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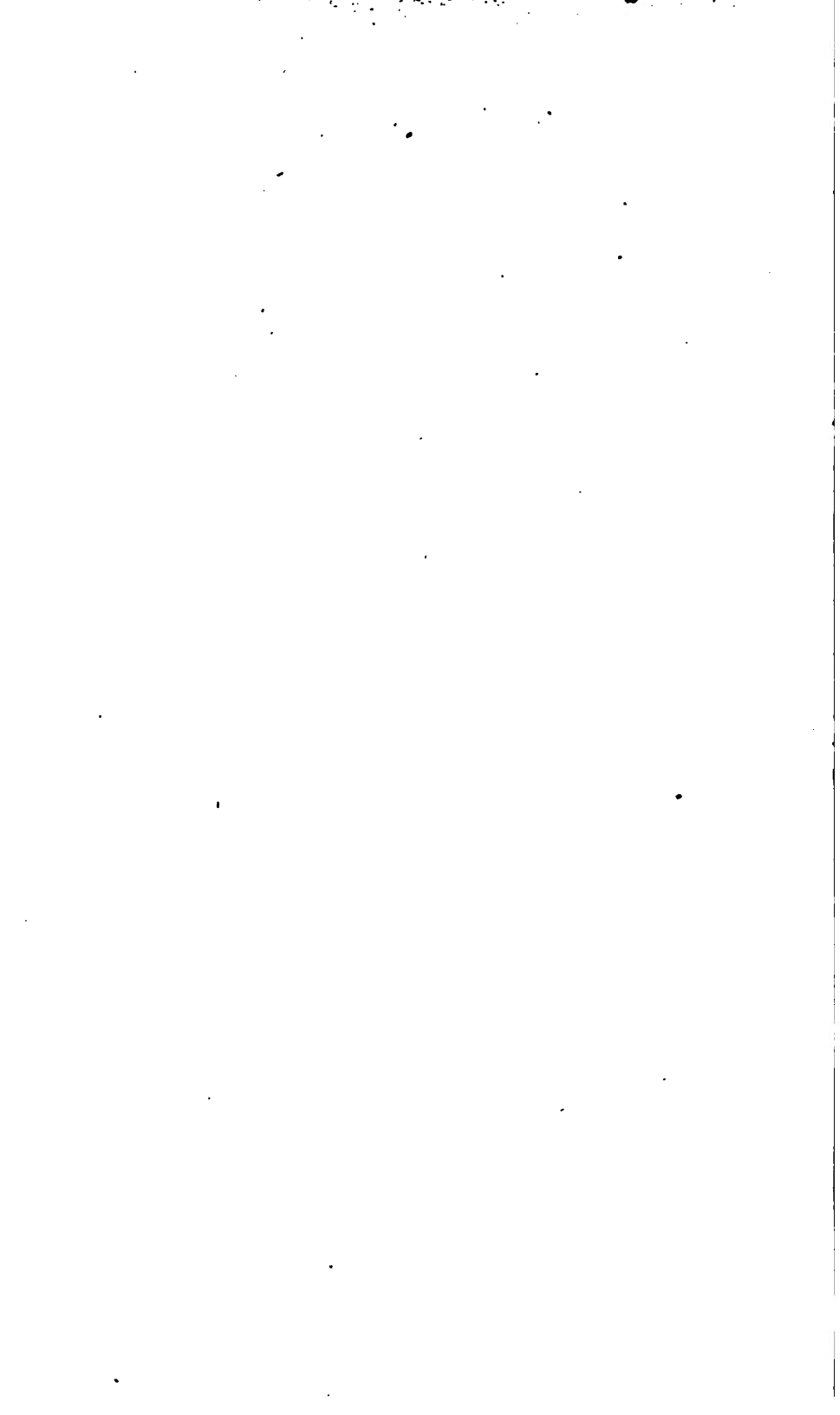
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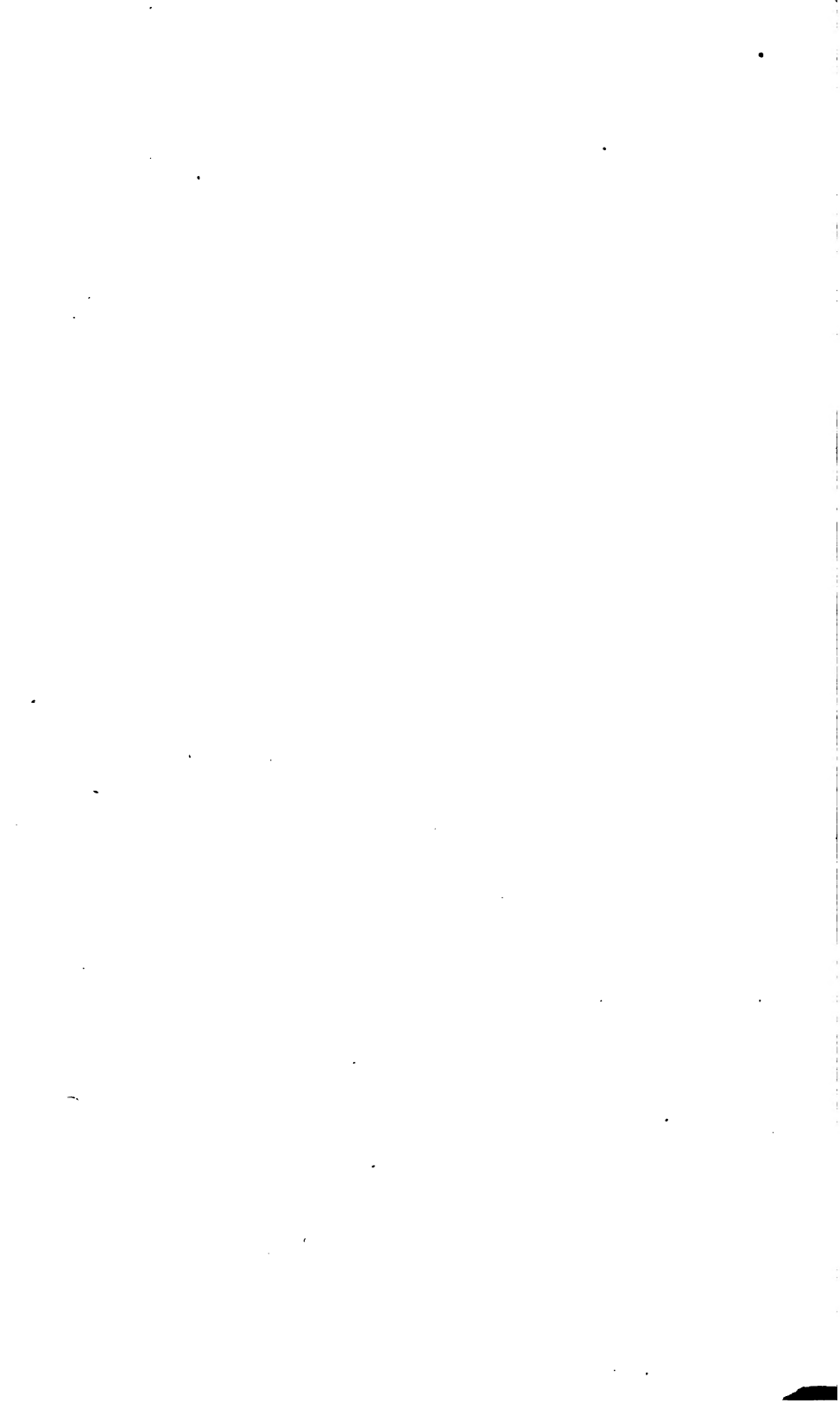
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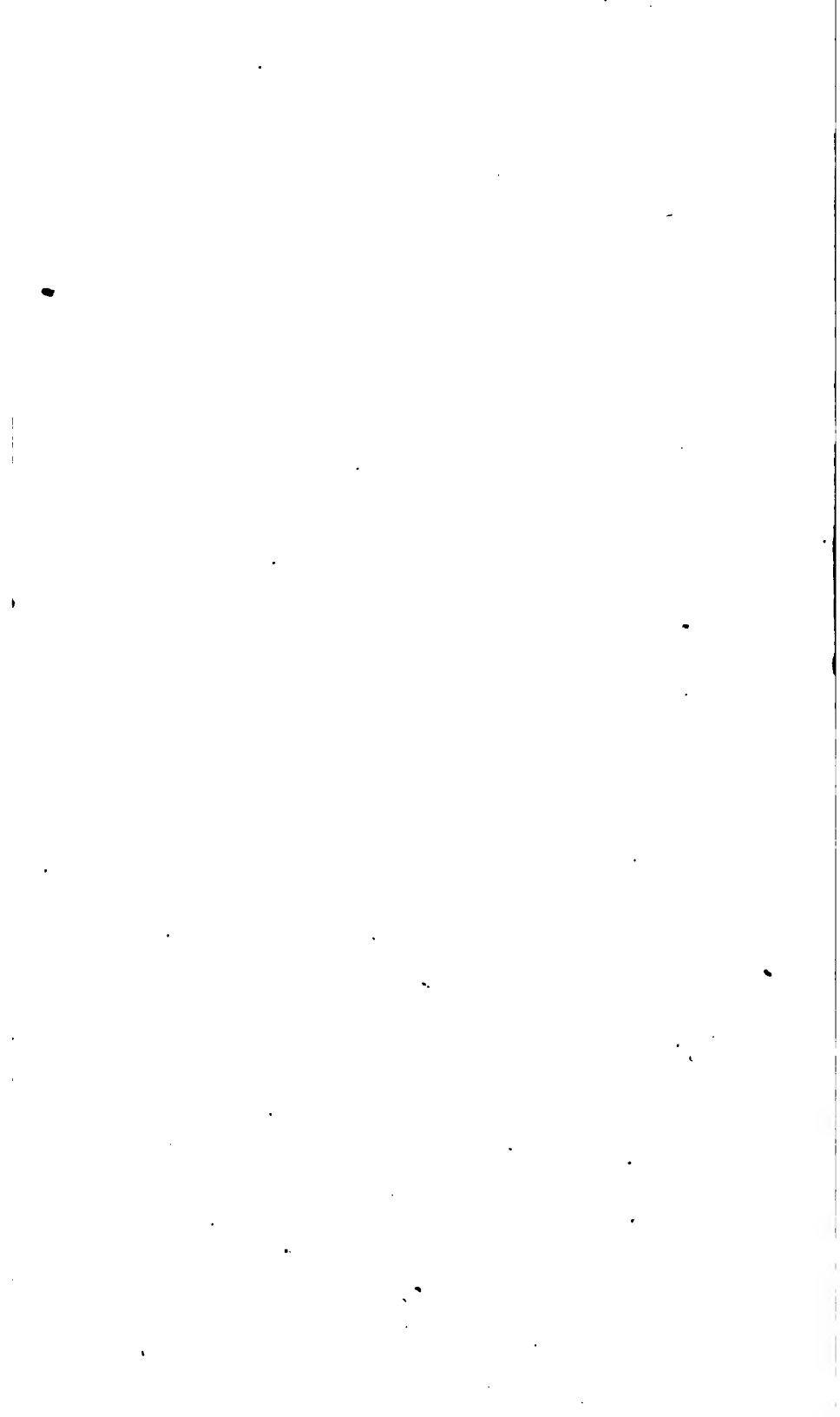


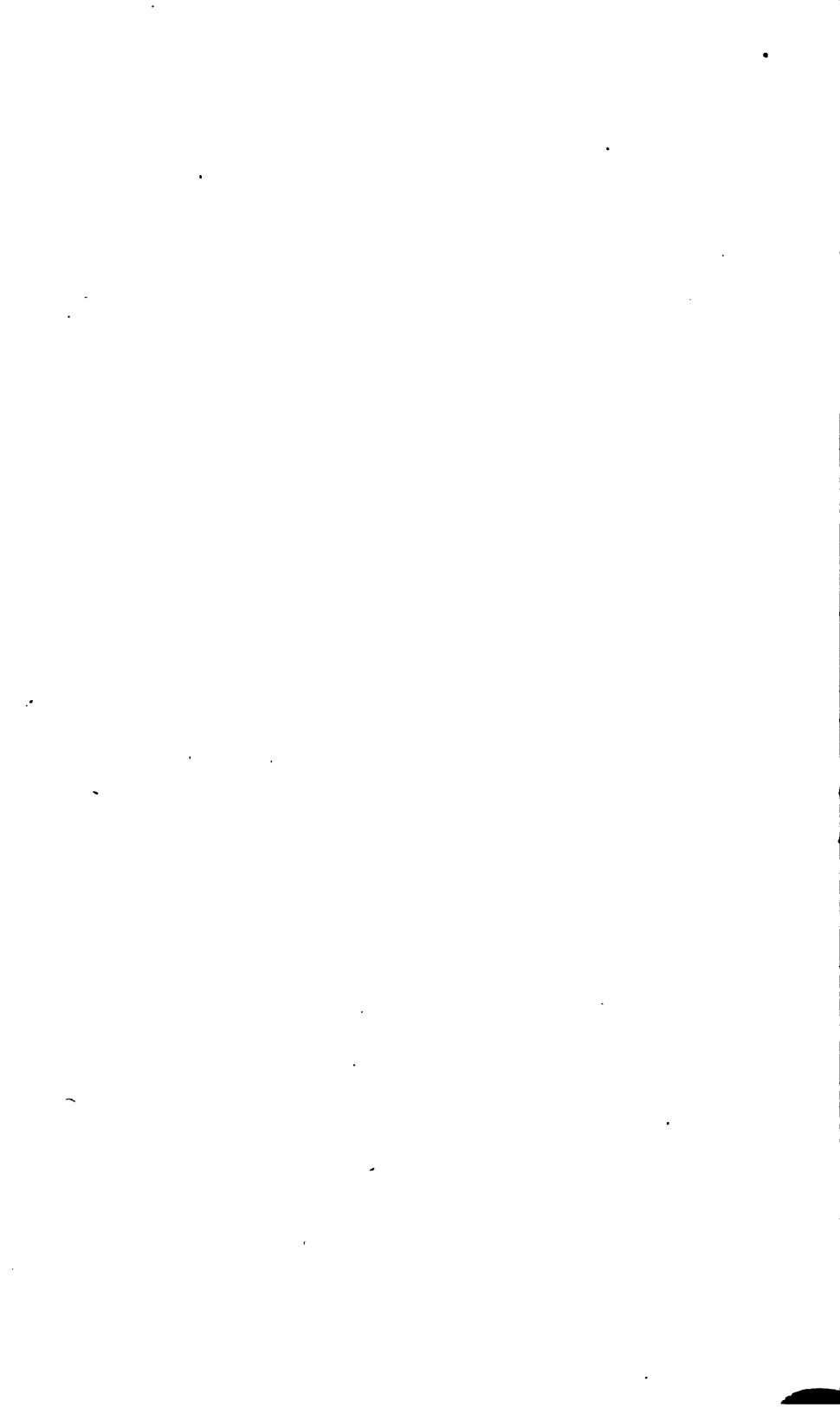


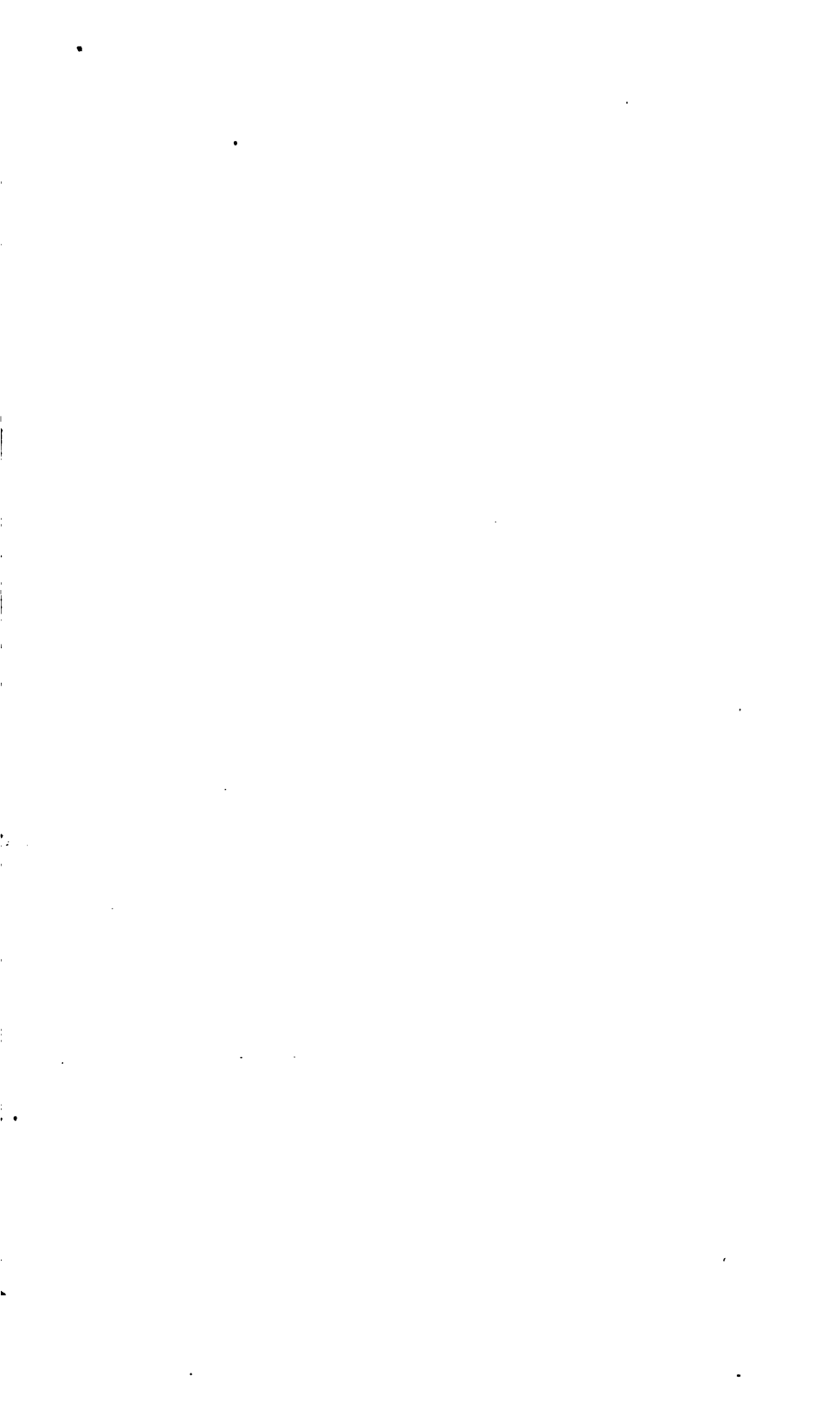












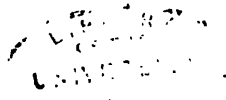
# **ELOQUENCE**

**OF**

## **THE UNITED STATES:**

**COMPILED**

**BY E. B. WILLISTON.**



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**AN ENLARGED EDITION;  
IN FIVE VOLUMES.  
VOL. III.**

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**JONATHAN SEYMOUR, NEW-YORK.  
1829.**



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## **SPEECH OF JOSIAH QUINCY,**

ON A

**BILL PROPOSING THAT TWENTY THOUSAND MEN  
SHOULD BE ADDED TO THE EXISTING MILITARY  
ESTABLISHMENT,**

**DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED  
STATES, JANUARY 5, 1813.**



**MR. SPEAKER,**

I FEAR that the state of my health may prevent my doing justice to my sentiments, concerning this bill. I will, however, make the attempt, though I should fail in it.

The bill proposes, that twenty thousand men should be added to the existing military establishment. This, at present, consists of thirty-five thousand men. So that the effect of this bill is to place, at the disposal of the executive, an army of fifty-five thousand. It is not pretended, that this addition is wanted, either for defence, or for the relief of the Indian frontier. On the contrary, it is expressly acknowledged, that the present establishment is sufficient for both of those objects. But the purpose, for which these twenty thousand men are demanded, is the invasion of Canada. This is unequivocally avowed, by the chairman of the committee of foreign relations, (Mr. D. R. Williams,) the organ, as is admitted, of the will and the wishes of the American cabinet.

The bill, therefore, brings, necessarily, into deliberation the conquest of Canada ; either as an object, in itself, desirable, or consequentially advantageous, by its effect, in producing an early and honorable peace.

Before I enter upon the discussion of those topics,

which naturally arise from this state of the subject, I will ask your indulgence, for one moment, while I make a few remarks upon this intention of the American cabinet, thus unequivocally avowed. I am induced to this from the knowledge, which I have, that this design is not deemed to be serious, by some men of both political parties; as well within this House, as out of it. I know that some of the friends of the present administration do consider the proposition, as a mere feint, made for the purpose of putting a good face upon things, and of strengthening the hope of a successful negotiation, by exciting the apprehensions of the British cabinet for the fate of their colonies. I know, also, that some of those, who are opposed, in political sentiment to the men, who are now at the head of affairs, laugh at these schemes of invasion, and deem them hardly worth controversy, on account of their opinion of the imbecility of the American cabinet, and the embarrassment of its resources.

I am anxious that no doubt should exist, upon this subject, either in the House or in the nation. Whoever considers the object of this bill, to be any other than that, which has been avowed, is mistaken. Whoever believes this bill to be a means of peace or any thing else, than an instrument of vigorous and long protracted war, is grievously deceived. And whoever acts, under such mistake or such deception, will have to lament one of the grossest, and perhaps, one of the most critical errors of his political life. I warn, therefore, my political opponents; those honest men, of whom I know there are some, who, paying only a general attention to the course of public affairs, submit the guidance of their opinions to the men, who stand at the helm, not to vote for this bill, under any belief that its object is to aid negotiation for peace. Let such gentlemen recur to their past experience on similar occasions. They will find that it has been always the case, whenever any obnoxious measure is about to be passed, that its passage is assisted by the aid of some such

collateral suggestions. No sooner do the cabinet perceive that any potion, which they intend to administer, is loathed by a considerable part of the majority, and that their apprehensions are alive, lest it should have a scouring effect upon their popularity, than certain under-operators are set to work, whose business it is to amuse the minds, and beguile the attention of the patients, while the dose is swallowing. The language always is, "trust the cabinet doctors. The medicine will not operate as you imagine, but quite another way." After this manner the fears of men are allayed, and the purposes of the administration are attained, under suggestions very different from the true motives. Thus the embargo, which has since been unequivocally acknowledged to have been intended to coerce Great Britain, was adopted, as the executive asserted, "to save our essential resources." So also, when the present war was declared against Great Britain, members of the House were known to state, that they voted for it under the suggestion that it would not be a war of ten days; that it was known that Mr. Foster had instructions to make definitive arrangements, in his pocket; and that the United States had only to advance to the point of war, and the whole business would be settled. And now, an army, which, in point of numbers, Cromwell might envy, greater than that with which Cæsar passed the Rubicon, is to be helped through a reluctant Congress, under the suggestion of its being only a parade force to make negotiation successful; that it is the incipient state of a project for a grand pacification!

I warn also my political friends. These gentlemen are apt to place great reliance on their own intelligence and sagacity. Some of these will tell you, that the invasion of Canada is impossible. They ask, where are the men—where is the money to be obtained? And they talk, very wisely, concerning common sense and common prudence, and will show, with much learning, how this attempt is an offence against

both the one and the other. But, sir, it has been my lot, to be an observer of the character and conduct of the men now in power, for these eight years past : and I state, without hesitation, that no scheme ever was, or ever will be, rejected by them, merely on account of its running counter to the ordinary dictates of common sense and common prudence. On the contrary, on that very account, I believe it more likely to be both suggested and adopted by them. And, what may appear a paradox, for that very reason, the chance is rather increased, that it will be successful.

I could illustrate this position twenty ways. I shall content myself with remarking only upon two instances, and those recent ;—the present war ; and the late invasion of Canada. When war against Great Britain was proposed, at the last session, there were thousands in these United States, and I confess to you, I was myself among the number, who believed not one word of the matter. I put my trust in the old fashioned notions of common sense and common prudence. That a people, which has been more than twenty years at peace, should enter upon hostilities against a people which had been twenty years at war ; that a nation, whose army and navy were little more than nominal, should engage in war with a nation possessing one of the best appointed armies and the most powerful marine on the globe ; that a country, to which neutrality had been a perpetual harvest, should throw that great blessing away for a controversy in which nothing was to be gained, and every thing valuable put in jeopardy ; from these, and innumerable like considerations, the idea seemed so absurd, that I never once entertained it as possible. And now, after war has been declared, the whole affair seems so extraordinary and so utterly irreconcilable to any previous suggestions of wisdom and duty, that I know not what to make of it, or how to believe it. Even at this moment, my mind is very much in the state of certain Pennsylvanian Germans, of whom I have heard it as-

serted, that they are taught to believe, by their political leaders, and do, at this moment, consider the allegation, that war is at present existing between the United States and Great Britain, to be a "federal falsehood."

It was just so with respect to the invasion of Canada. I heard of it last June. I laughed at the idea, as did multitudes of others, as an attempt too absurd for serious examination. I was, in this case, again beset by common sense and common prudence. That the United States should precipitate itself upon the unoffending people of that neighboring colony, unmindful of all previously subsisting amities, because the parent state, three thousand miles distant, had violated some of our commercial rights; that we should march inland, to defend our ships and seamen; that, with raw troops, hastily collected, miserably appointed, and destitute of discipline, we should invade a country defended by veteran forces, at least equal, in point of numbers, to the invading army; that bounty should be offered and proclamations issued, inviting the subjects of a foreign power to treason and rebellion, under the influences of a quarter of the country upon which a retort of the same nature was so obvious, so easy, and in its consequences so awful; in every aspect, the design seemed so fraught with danger and disgrace, that it appeared absolutely impossible, that it should be seriously entertained. Those, however, who reasoned after this manner, were, as the event proved, mistaken. The war was declared. Canada was invaded. We were in haste to plunge into these great difficulties, and we have now reason, as well as leisure enough, for regret and repentance.

The great mistake of all those, who reasoned concerning the war and the invasion of Canada, and concluded that it was impossible that either should be seriously intended, resulted from this, that they never took into consideration the connexion of both those events, with the great election for the chief magistra-

cy, which was then pending. It never was sufficiently considered by them, that plunging into war with Great Britain was among the conditions, on which support for the presidency was made dependent. They did not understand, that an invasion of Canada was to be, in truth, only a mode of carrying on an electioneering campaign. But since events have explained political purposes, there is no difficulty in seeing the connexions between projects and interests. It is now apparent to the most mole-sighted, how a nation may be disgraced, and yet a cabinet attain its desired honors. All is clear. A country may be ruined, in making an administration happy.

I said, Mr. Speaker, that such strange schemes, apparently irreconcilable to common sense and common prudence, were, on that very account, more likely to be successful. Sir, there is an audacity which sometimes stands men in stead both of genius and strength. And, most assuredly, he is most likely to perform that, which no man ever did before, and will never be likely to do again, who has the boldness to undertake that, which no man ever thought of attempting, in time past, and no man will ever think of attempting, in time future. I would not, however, be understood as intimating, that this cabinet project of invasion is impracticable, either as it respects the collection of means and instruments, or in the ultimate result. On the contrary, sir, I deem both very feasible. Men may be obtained. For, if forty dollars bounty cannot obtain them, an hundred dollars bounty may, and the intention is, explicitly, avowed not to suffer the attainment of the desired army, to be prevented by any vulgar notions of economy. Money may be obtained. What, by means of the increased popularity, derived from the augmentation of the navy; what, by opening subscription offices, in the interior of the country; what, by large premiums, the cupidity of the monied interest may be tempted, beyond the point of patriotic resistance, and all the attained means being diverted

to the use of the army, pecuniary resources may be obtained, ample, at least, for the first year. And, sir, let an army of thirty thousand men be collected, let them be put under the command of a popular leader, let them be officered to suit his purposes, let them be flushed with victories, and see the fascinating career of military glory opening upon them, and they will not thereafter, ever be deficient in resources. If they cannot obtain their pay by your votes, they will collect it by their own bayonets; and they will not rigidly observe any air-lines, or water-lines, in enforcing their necessary levies; nor be stayed by abstract speculations concerning right, or learned constitutional difficulties.

I desire, therefore, that it may be distinctly understood, both by this House and this nation, that it is my unequivocal belief, that the invasion of Canada, which is avowed, by the cabinet, to be its purpose, is intended by it; that continuance of the war and not peace is its project. Yes, sir, as the French emperor said concerning ships and colonies, so our cabinet, the friends of the French emperor, may say, with respect to Canada and Halifax. "They enter into the scope of its policy."

[Mr. Quincy was here called to order by Mr. Hall of Georgia, for intimating that the members of the cabinet were friends of the French emperor.

Mr. Quincy said, that he understood that the relations of amity did subsist between this country and France, and that, in such a state of things, he had a right to speak of the American cabinet, as the friends of France, in the same manner as he had now a right to call them, the enemies of Great Britain.

The Speaker said, that the relations of amity certainly did subsist between this country and France, and that he did not conceive the gentleman from Massachusetts, to be out of order in his expressions. That it was impossible to prevent gentlemen from expressing themselves, so as to convey an innuendo. Mr. Quincy proceeded.]



If, Mr. Speaker, the gentleman from Georgia, and his political friends, would take one thing into consideration, he, and they, will have no reason to complain, in case the cabinet be of that immaculate nature, he supposes. No administration, no man, was ever materially injured by any mere "innuendo." The strength of satire is the justness of the remark, and the only sting of invective, is the truth of the observation.

I will now proceed to discuss those topics, which naturally arise out of the bill under consideration, and examine the proposed invasion of Canada, at three different points of view.

First. As a means of carrying on the subsisting war.

Second. As a means of obtaining an early and honorable peace.

Third. As a means of advancing the personal and local projects of ambition of the members of the American cabinet.

Concerning the invasion of Canada, as a means of carrying on the subsisting war, it is my duty to speak plainly and decidedly, not only because I herein express my own opinions upon the subject, but, as I conscientiously believe, the sentiments, also, of a very great majority of that whole section of country, in which I have the happiness to reside. I say, then, sir, that I consider the invasion of Canada, as a means of carrying on this war, as cruel, wanton, senseless and wicked.

You will easily understand, Mr. Speaker, by this very statement of opinion, that I am not one of that class of politicians, which has for so many years, predominated in the world, on both sides of the Atlantic. You will readily believe, that I am not one of those, who worship in that temple, where Condorcet is the high priest and Machiavel the God. With such politicians, the end always sanctifies the means; the least possible good to themselves, perfectly justifies, according to their creed, the inflicting the greatest possible evil upon others. In the judgment of such men,

if a corrupt ministry, at three thousand miles distance, shall have done them an injury, it is an ample cause to visit with desolation, a peaceable and unoffending race of men, their neighbors, who happen to be associated, with that ministry, by ties of mere political dependence. What though these colonies be so remote from the sphere of the question in controversy, that their ruin, or prosperity, could have no possible influence upon the result? What though their cities offer no plunder? What though their conquest can yield no glory? In their ruin, their is revenge. And revenge, to such politicians, is the sweetest of all morsels. With such men, neither I, nor the people of that section of country in which I reside, hold any communion. There is, between us and them, no one principle of sympathy, either in motive, or action.

That wise, moral, reflecting people, which constitute the great mass of the population of Massachusetts, indeed of all New-England, look for the sources of their political duties nowhere else, than in those fountains, from which spring their moral duties. According to their estimate of human life and its obligations, both political and moral duties, emanate from the nature of things, and from the essential and eternal relations, which subsist among them. True it is, that a state of war, gives the right to seize and appropriate the property and territories of an enemy. True it is, that the colonies of a foreign power are viewed, according to the law of nations, in the light of its property. But in estimating the propriety of carrying desolation into the peaceful abodes of their neighbors, the people of New England will not limit their contemplation to the mere circumstance of abstract right, nor ask what lawyers and jurisprudists have written, or said, as if this was conclusive upon the subject. That people are much addicted to think for themselves, and in canvassing the propriety of such an invasion, they will consider the actual condition of those colonies, their natural relations to us, and the effect,

which their conquest and ruin will have, not only upon the people of those colonies, but upon themselves; and their own liberties and constitution. And above all, what I know will seem strange to some of those who hear me, they will not forget to apply to a case occurring between nations, as far as is practicable, that heaven-descended rule, which the great author and founder of their religion has given them, for the regulation of their conduct towards each other. They will consider it the duty of these United States, to act towards those colonies, as they would wish those colonies to act in exchange of circumstances, towards these United States.

The actual condition of those colonies, and the relation in which they stood to the United States, antecedent to the declaration of war, were of this nature. Those colonies had no connexion with the questions in dispute between us and their parent state. They had done us no injury. They meditated none to us. Between the inhabitants of those colonies and the citizens of the United States, the most friendly, and mutually useful intercourse subsisted. The borderers, on this, and those on the other side of the St. Lawrence, and of the boundary line, scarcely realized that they were subjects of different governments. They interchanged expressions and acts of civility. Inter-marriages took place among them. The Canadian sometimes settled in the United States. Sometimes our citizens emigrated to Canada. After the declaration of war, had they any disposition to assail us? We have the reverse, expressly, in evidence. They desired nothing so much as to keep perfect the then subsisting relations of amity. Would the conquest of those colonies, shake the policy of the British cabinet? No man has shown it. Unqualified assertions, it is true, have been made, but totally unsupported by any evidence, or even the pretence of argument. On the contrary, nothing was more obvious, than that an invasion of Canada must strengthen the ministry of Great

Britain, by the excitement and sympathy, which would be occasioned, in the people of that country, in consequence of the sufferings of the innocent inhabitants of those colonies, on account of a dispute, in which they had no concern, and of which they had scarcely a knowledge. All this was anticipated. All this was frequently urged to this House, at the last and preceding sessions, as the necessary effect of such a measure. The event has justified those predictions. The late elections in Great Britain, have terminated in the complete triumph of the friends of the British ministry. In effecting this change, the conduct of these United States in relation to Canada, has had, undeniably, a mighty influence, by the disgust and indignation, felt by the British people, at a step so apparently wanton and cruel.

As there was no direct advantage to be hoped from the conquest of Canada, so also there was none incidental. Plunder there was none. At least none, which would pay the cost of the conquest. Glory there was none. Could seven millions of people obtain glory, by precipitating themselves upon half a million and trampling them into the dust? A giant obtain glory, by crushing a pigmy! That giant must have a pigmy's spirit, who could reap, or hope, glory from such an achievement.

Surely a people, with whom we were connected by so many natural and adventitious ties, had some claims upon our humanity. Surely, if our duty required that they and theirs should be sacrificed to our interests, or our passions, some regret mingled in the execution of the purpose. We postponed the decree of ruin, until the last moment. We hesitated—we delayed, until longer delay was dangerous. Alas! sir, there was nothing of this kind, or character, in the conduct of the cabinet. The war had not yet been declared, when Gen. Hull had his instructions to put in train, the work of destruction. There was an eagerness for the blood of the Canadians, a headlong precipitation for

their ruin, which indicated any thing else, rather than feelings of humanity, or visitings of nature, on account of their condition. Our armies were on their march for their frontier, while yet peace existed between this country and the parent state; and the invasion was obstinately pursued, after a knowledge that the chief ground of controversy was settled, by the abandonment of the British orders in council; and after nothing remained but a stale ground of dispute, which, however important in itself, was of a nature, for which no man has ever yet pretended, that for it alone, war would have been declared. Did ever one government exhibit, towards any people, a more bloody and relentless spirit of rancor? Tell not me of petty advantages, of remote and possibly useful contingencies, which might arise from the devastation of those colonies. Show any advantage, which justifies that dreadful vial of wrath, which, if the intention of the American cabinet had been fulfilled, would, at this day, have been poured out upon the heads of the Canadians. It is not owing to the tender mercies of the American administration, if the bones of the Canadians, are not, at this hour, mingled with the ashes of their habitations. It is easy enough to make an excuse for any purpose. When a victim is destined to be immolated, every hedge presents sticks for the sacrifice. The lamb, who stands at the mouth of the stream, will always trouble the water, if you take the account of the wolf, who stands at the source of it. But show a good to us, bearing any proportion to the multiplied evils, proposed to be visited upon them. There is none. Never was there an invasion of any country worse than this, in point of moral principle, since the invasion of the West Indies by the buccaneers, or that of these United States, by Captain Kidd. Indeed both Kidd and the buccaneers had more apology, for their deed, than the American cabinet. They had at least the hope of plunder. But, in this case, there is not even the poor refuge of cupidity. We have heard great lamentations

about the disgrace of our arms on the frontier. Why, sir, the disgrace of our arms, on the frontier, is terrestrial glory, in comparison with the disgrace of the attempt. The whole atmosphere rings, with the utterance, from the other side of the house, of this word—"glory"—"glory," in connexion with this invasion. What glory? Is it the glory of the tyger, which lifts his jaws, all foul and bloody, from the bowels of his victim, and roars for his companions of the wood, to come and witness his prowess and his spoils? Such is the glory of Gengis Khan and of Bonaparte. Be such glory far, very far, from my country. Never,—never may it be accursed, with such fame.

"Fame is no plant that grows on mortal soil,  
Nor in the glistening foil  
Set off to the world, nor in broad rumor lies,  
But lives and spreads aloft by those pure eyes  
And perfect witness of all judging Jove,  
As he pronounces lastly on each deed."

May such fame as this, be my country's meed!

But the wise and thoughtful people of our northern section will not confine their reflections to the duties which result from the actual condition of those colonies, and their general relations to the United States; they will weigh the duties the people of the United States owe to themselves, and contemplate the effect which the subjugation of those Canadians will have upon our own liberties and constitution. Sir, it requires but little experience in the nature of the human character, and but a very limited acquaintance with the history of man, to be satisfied, that with the conquest of the Canadas, the liberties and constitution of this country perish.

Of all nations in the world, this nation is the last which ought to admit among its purposes the design of foreign conquests. States, such as are these, connected by ties so peculiar, into whose combination there

enters, necessarily, numerous jealousies and fears; whose interests are not always reconcilable, and the passions, education and character of whose people, on many accounts, are repugnant to each other; with a constitution made merely for defence; it is impossible that an association of independent sovereignties, standing in such relations to each other, should not have the principles of its union and the hopes of its constitution, materially affected by the collection of a large military force; and its employment, in the subjugation of neighboring territories. It is easy to see, that an army, collected in such a state of society, as that which exists in this country, where wages are high, and subsistence easily to be obtained, must be composed, so far as respects the soldiery, for the most part, of the refuse of the country; and, as it respects the officers, with some honorable exceptions indeed, must consist, in a considerable degree, of men desperate, sometimes in fortune, at others in reputation; "choice spirits," men "tired of the dull pursuits of civil life," who have not virtue or talents to rise in a calm and settled state of things, and who, all other means of advancement or support wanting, or failing, take to the sword. A body of thirty or fifty thousand such men combined, armed and under a popular leader, is a very formidable force. They want only discipline and service, to make them veterans. Opportunity to acquire these, Canada will afford. The army, which advances to the walls of Quebec, in the present condition of Canadian preparation, must be veteran. And a veteran army, under a popular leader, flushed with victory, each individual realizing, that while the body remains combined, he may be something, and possibly very great—that if dissolved, he sinks into insignificance, will not be disbanded by vote. They will consult with one another, and with their beloved chieftain, upon this subject, and not trouble themselves about the advice of the old people, who are knitting and weaving in the chimney cor-

ners at Washington. Let the American people receive this as an undoubted truth, which experience will verify. Whoever plants the American standard on the walls of Quebec, conquers it for himself, and not for the people of these United States. Whoever lives to see that event—may my head be low in the dust, before it happen!—will witness a dynasty established in that country by the sword. He will see a king, or an emperor, dukedoms, and earldoms, and baronies, distributed to the officers; and knights' fees, bestowed on the soldiery. And such an army will not trouble itself about geographical lines, in portioning out the divisions of its new empire, and will run the parallels of its power by other steel than that of the compass. When that event happens the people of New England, if they mean to be free, must have a force equal to defend themselves against such an army. And a military force, equal to this object, will itself be able to enslave the country.

Mr. Speaker, when I contemplate the character and consequences of this invasion of Canada, when I reflect upon its criminality, and its danger to the peace and liberty of this once happy country, I thank the great author and source of all virtue, that through his grace, that section of country in which I have the happiness to reside, is in so great a degree, free from the iniquity of this transgression. I speak it with pride, the people of that section have done what they could, to vindicate themselves and their children, from the burden of this sin. That whole section has risen, almost as one man, for the purpose of driving from power by one great constitutional effort, the guilty authors of this war. If they have failed, it has been, not through the want of will or of exertion, but in consequence of the weakness of their political power. When in the usual course of divine providence, who punishes nations as well as individuals, his destroying angel shall, on this account, pass over this country; and sooner or later, pass it will; I may be permitted



to hope, that over New England his hand will be stayed. Our souls are not steeped in the blood which has been shed in this war. The spirits of the unhappy men, who have been sent to an untimely audit, have borne to the bar of divine justice no accusations against us.

This opinion, concerning the principle of this invasion of Canada, is not peculiar to me. Multitudes, who approve the war, detest it. I believe this sentiment is entertained, without distinction of parties, by almost all the moral sense, and nine tenths of the intelligence of the whole northern section of the United States. I know that men from that quarter of the country, will tell you differently. Stories of a very different kind are brought by all those, who come trooping to Washington for place, appointments and emoluments; men, who will say any thing to please the ear, or do any thing to please the eye of Majesty, for the sake of those fat contracts and gifts which it scatters; men, whose fathers, brothers and cousins are provided for by the departments; whose full grown children are at suck at the money distilling breasts of the treasury; the little men, who sigh after great offices; those, who have judgeships in hand, or judgeships in promise; toads that live upon the vapor of the palace; that swallow great men's spittle at the levees; that stare and wonder, at all the fine sights, which they see there; and most of all, wonder at themselves—how they got there to see them. These men will tell you, that New England applauds this invasion.

But, Mr. Speaker, look at the elections. What is the language they speak? The present tenant of the chief magistracy rejected, by that whole section of country, with the exception of a single state, unanimously. And for whom? In favor of a man out of the circle of his own state, without much influence, and personally almost unknown. In favor of a man, against whom the prevailing influences, in New Eng-

land, had previously strong political prejudices; and with whom, at the time of giving him their support, they had no political understanding; in favor of a man, whose merits, whatever in other respects they might be, were brought into notice, in the first instance, chiefly, so far as that election was concerned, by their opinion of the utter want of merit of the man, whose re-election they opposed.

Among the causes of that universal disgust, which pervaded all New England, at the administration and its supporters, was the general dislike and contempt of this invasion of Canada. I have taken some pains to learn the sentiments, which prevail on this subject, in New England, and particularly among its yeomanry; the pride and the hope of that country. I have conversed with men, resting on their spades and leaning on the handles of their ploughs, while they relaxed for a moment from the labor, by which they support their families, and which gives such a hardihood and character to their virtues. They asked, "What do we want of Canada? We have land enough. Do we want plunder? There is not enough of that, to pay cost of getting it. Are our ocean rights there? Or is it there our seamen are held in captivity? Are new states desired? We have plenty of those already? Are they to be held as conquered territories? This will require an army there, then to be safe, we must have an army here. And, with a standing army, what security for our liberties?"

These are no fictitious reasonings. They are the suggestions, I doubt not of thousands and tens of thousands of our hardy New England yeomanry; men, who, when their country calls, at any wise and real exigency, will start from their native soils and throw their shields over their liberties, like the soldiers of Cadmus, "armed in complete steel;" yet men, who have heard the winding of your horn to the Canada campaign, with the same apathy and indifference, with

which they would hear in the streets, the trilling of a jews-harp or the twirring of a bandjoe.

The plain truth is, that the people of New England have no desire for Canada. Their moral sentiment does not justify, and they will not countenance its invasion. I have thus stated the grounds, on which they deem, and I have felt myself bound to maintain, that this contemplated invasion of that territory, is, as it respects the Canadians, wanton and cruel; because it inflicts the greatest imaginable evils on them, without any imaginable benefit to us; that, as it respects the United States, such an invasion is senseless, because ultimately ruinous to our own political safety; and wicked, because it is an abuse of the blessings of Divine Providence, and a manifest perversion of his multiplied bounties, to the purpose of desolating an innocent and unoffending people.

I shall now proceed to the next view, I proposed to take of this project of invading Canada, and consider it in the light of a means to obtain an early and honorable peace. It is said, and this is the whole argument in favor of this invasion, in this aspect, that the only way to negotiate successfully with Great Britain, is to appeal to her fears, and raise her terrors for the fate of her colonies. I shall here say nothing concerning the difficulties of executing this scheme; nor about the possibility of a deficiency both in men and money. I will not dwell on the disgust of all New England; nor on the influence of this disgust, with respect to your efforts. I will admit, for the present, that an army may be raised, and that during the first years it may be supported by loans, and that afterwards it will support itself by bayonets. I will admit further, for the sake of argument, that success is possible, and that Great Britain realizes the practicability of it. Now all this being admitted, I maintain that the surest of all possible ways to defeat any hope from negotiation, is the threat of such an invasion, and an active preparation to execute it. Those must be very

young politicians, their pinfeathers not yet grown, and however they may flutter on this floor, they are not yet fledged for any high or distant flight, who think that threats and appealing to fear are the ways of producing a disposition to negotiate in Great Britain, or in any other nation, which understands what it owes to its own safety and honor. No nation can yield to threat what it might yield to a sense of interest; because, in that case, it has no credit for what it grants, and what is more, loses something in point of reputation, from the imbecility which concessions made under such circumstances indicate. Of all nations in the world, Great Britain is the last to yield to considerations of fear and terror. The whole history of the British nation is one tissue of facts, tending to show the spirit with which she meets all attempts to bully and browbeat her into measures inconsistent with her interests or her policy. No nation ever before made such sacrifices of the present to the future. No nation ever built her greatness more systematically on the principle of a haughty self-respect, which yields nothing to suggestions of danger, and which never permits, either her ability or inclination to maintain her rights, to be suspected. In all negotiations, therefore, with that power, it may be taken as a certain truth, that your chance of failure is just in proportion to the publicity and obtrusiveness of threats and appeals to fear.

The American cabinet understand all this very well, although this House may not. Their policy is founded upon it. The project of this bill is to put, at a still further distance, the chance of amicable arrangement, in consequence of the dispositions which the threat of invasion of their colonies, and attempt to execute it, will excite in the British nation and ministry. I have some claim to speak concerning the policy of the men who constitute the American cabinet. For eight years I have studied their history, characters and interests. I know no reasons why I should judge them

severely, except such as arise from those inevitable conclusions, which avowed principles and distinct conduct have impressed upon the mind. I say then, sir, without hesitation, that, in my judgment, the embarrassment of our relations with Great Britain, and keeping alive, between this country and that, a root of bitterness, has been, is, and will continue to be, a main principle of the policy of this American cabinet. They want not a solid settlement of our differences. If the nation will support them in it, they will persevere in the present war. If it will not, some general arrangements will be the resort, which will leave open opportunities for discord, which, on proper occasions, will be improved by them. I shall give my reasons for this opinion. I wish no sentiments of mine to have influence any further than the reasons, upon which they are founded, justify. They are public reasons, arising from undeniable facts; the nation will judge for itself.

The men, who now, and who, for these twelve years past, have, to the misfortune of this country, guided its councils, and directed its destinies, came into power, on a tide, which was raised and supported, by elements, constituted of British prejudices and British antipathies. The parties which grew up in this nation, took their origin and form, at the time of the adoption of the treaty negotiated by Mr. Jay, in 1794. The opposition of that day, of which the men, now in power, were the leaders, availed themselves, very dexterously, of the relics of that hatred towards the British name, which remained after the revolutionary war. By perpetually blowing upon the embers of the ancient passions, they excited a flame in the nation, and by systematically directing it against the honorable men, who, at that time, conducted its affairs; the strength and influence, of those men, were impaired. The embarrassments with France, which succeeded, in 1798 and 1799, were turned to the same account. Unfortunately those, who then conducted public affairs,

attended less to the appearances of things than to their natures; and considered more, what was due to their country, than was prudent, in the state of the prejudices and jealousies of the people, thus artfully excited against them. They went on in the course they deemed right, regardless of personal consequences, and blind to the evidences of discontent, which surrounded them. The consequences are well known. The supreme power in these United States, passed into the hands, which now possess it; in which it has been continued down to the present time. This transfer of power was effected, undeniably, principally on the very ground of these prejudices and antipathies, which existed in the nation against Great Britain; and which had been artfully fomented by the men now in power, and their adherents, and directed against their predecessors. These prejudices and passions constitute the main pillar of the power of these men. In my opinion, they never will permit it to be wholly taken away from them. They never will permit the people of this country, to look at them and their political opponents, free of that jaundice, with which they have carefully imbued the vision of their own partizans. They never will consent to be weighed in a balance of mere merit, but will always take care to keep in reserve, some portion of these British antipathies, to throw, as a makeweight, into the opposite scale, whenever they find their own sinking. To continue, multiply, strengthen and extend, these props of their power, has been, and still is, the object of the daily study, and the nightly vigils of our American cabinet. For this the British treaty was permitted to expire by its own limitation; notwithstanding the state of things which the treaty of Amiens had produced in Europe, was so little like permanent peace, that the occurrence of the fact, on which the force of that limitation depended, might easily have been questioned, with but little violence to the terms, and in perfect conformity with its spirit. For this, a renewal of the

treaty of 1794, was refused by our cabinet, although proffered by the British government. For this, the treaty of 1807, negotiated by Messrs. Monroe and Pinckney, was rejected. For this, in 1811, fifty thousand dollars were paid out of the public treasury, to John Henry, for the obvious purpose of enabling the American cabinet to calumniate their political opponents, on this very point of British influence, upon the eve of elections occurring in Massachusetts, on the event of which, the perpetuation of their own power was materially dependent. Mr. Speaker, such men as these never will permit a state of things to pass away so essential to their influence. Be it peace, or war, arrangement, or hostility, the association of these British antipathies, in the minds of the mass of the community, with the characters of their political opponents, constitutes the great magazine of their power. This composes their whole political larder. It is, like lord Peter's brown loaf, their "beef, mutton, veal, venison, partridge, plumb pudding and custard."

From the time of the expiration of the British treaty of 1794, and the refusal to renew it, the American cabinet have been careful to precede negotiation with some circumstance or other calculated to make it fail, or at least to make a successful result less certain. Thus in 1806, when, from the plunder of our commerce, by British cruisers, a negotiation, notwithstanding the obvious reluctance of the cabinet, was forced upon them, by the clamors of the merchants, the non-importation law of April, in that year, was obtruded between the two countries. In the course of the debate upon that law, it was opposed upon this very ground, that it was an obstacle to a successful negotiation. It was advocated, like the bill now under discussion, as an aid to successful negotiation. It was also said by the opponents of that law of 1806, that Great Britain would not negotiate, under its operation, and that an arrangement, attempted under proper auspices, could not be difficult, from the known in-

terests and inclinations of that nation. What was the consequence? Precisely that which was anticipated. The then President of the United States, was necessitated to come to this House and recommend a suspension of the operation of that law, upon the openly avowed ground, of its being expedient to give that evidence, of a conciliatory disposition, really because, if permitted to continue in operation, negotiation was found to be impracticable. After the suspension of that law, a treaty was formed. The merits of that treaty, it is not within the scope of my present argument to discuss. It is sufficient to say, it was deemed good enough, to receive the sanction of Messrs. Monroe and Pinckney. It arrived in America, and was rejected by the authority of a single individual, apparently because of the insufficiency of the arrangement about impressment. Really because a settlement with Great Britain, at that time, did not "enter into the scope of the policy" of the American cabinet. The negotiation was, indeed, renewed, but it was followed up with the enforcement of the non-importation law, and the enactment of the embargo. Both which steps were stated, at the time, as they proved afterwards, to be, of a nature to make hopeless successful negotiation.

In this state, the executive power of this nation formally passed into new hands, but substantially remained under the old principles of action, and subject to the former influences. It was desirable that a fund of popularity should be acquired for the new administration. Accordingly, an arrangement was made with Mr. Erskine, and no questions asked concerning the adequacy of his powers. But, lest this circumstance should not defeat the proposed arrangement, a clause was inserted in the correspondence, containing an insult to the British government, offered in the face of the world, such as no man ever gave to a private individual, whom he did not mean to offend. The President of the United States said, in so many words, to



the person at the head of that government, that he did not understand what belonged to his own honor, as well as it was understood by the President himself. The effect of such language was natural, it was necessary; it could not but render the British government averse to sanction Erskine's arrangement. The effect was anticipated by Mr. Robert Smith, then acting as secretary of state. He objected to its being inserted, but it was done, in the President's own hand writing. As Mr. Erskine's authority was denied by the British government, it is well known, that, in fact, on the point of this indignity, the fate of that arrangement turned. Can any one doubt, that our cabinet meant that it should have this effect? I send you word, Mr. Speaker, "that I have agreed with your messenger, and wish you to ratify it. I think you, however, no gentleman, notwithstanding, and that you do not understand, as well as I, what is due to your own honor." What think you, sir? Would you ratify such an arrangement, if you could help it? Does a proffer of settlement, connected with such language, look like a disposition or an intention to conciliate? I appeal to the common sense of mankind, on the point.

The whole state of the relations induced between this country and Great Britain, in consequence of our embargo and restrictive systems, was, in fact, a standing appeal to the fears of the British cabinet. For, notwithstanding, those systems were equal in their terms, so far as they affected foreign powers; yet their operation was, notoriously, almost wholly upon Great Britain. To yield to that pressure, or do any thing which should foster, in this country, the idea that it was an effectual weapon of hostility, was nothing more than conceding, that she was dependent upon us. A concession which, when once made by her, was certain to encourage a resort to it by us, on every occasion of difficulty between the two nations. Reasoning, therefore, upon the known nature of things, and the plain interests of Great Britain, it was

foretold, that, during its continuance she would concede nothing. And the event has justified those predictions. But, the circumstance the most striking, and that furnishing the most conclusive evidence of the indisposition of the American cabinet to peace, and their determination to carry on the war, is that connected with the pretended repeal of the French decrees, in November, 1810; and the consequent revival, in 1811, of our restrictive system against Great Britain.

If ever a body of men were pledged to any thing, the American cabinet, its friends and supporters were pledged for the truth of this fact, that the French decrees of Berlin and Milan were definitely repealed, as it respects the United States, on the first of November, 1810. If ever any body of men staked their whole stock of reputation upon any point, our cabinet did it on this. They and their partizans asserted and raved. They denounced every man as a British partizan, who denied it. They declared the restrictive system was revived by the mere effect of the proclamation. But, lest the courts of law should not be as subservient to their policy, as might be wished, they passed the law of the 2d of March, 1811, upon the basis of this repeal, and of its being definitive. The British government refused, however, to recognize the validity of this repeal, and denied that the Berlin and Milan decrees were repealed on the 1st of November, 1810, as our cabinet asserted. Thus, then, stood the argument between the British ministry and our cabinet. The British ministry admitted, that, if the Berlin and Milan decrees were repealed on the 1st of November, 1810, they were bound to revoke their orders in council. But they denied that repeal to exist. Our cabinet, on the other hand, admitted, that, if the Berlin and Milan decrees were not repealed on the 1st of November, 1810, the restrictive system ought not to have been revived against Great Britain. But they asserted that repeal to exist. This was, virtually, the state of the

question between the two countries, on this point. And it is agreed, on all hands, that this refusal of the British government to repeal their orders in council, after the existence of the repeal of the Berlin and Milan decrees, as asserted by the American cabinet, was the cause of the declaration of war between the two countries. So that, in truth, the question of the right of war depended upon the existence of that fact; for, if that fact did not exist, even the American cabinet did not pretend, that, in the position in which things then stood, they had a right to declare war on account of the continuance of the British orders in council.

Now, what is the truth in relation to this all-important fact, the definitive repeal of the Berlin and Milan decrees on the 1st of November, 1810; the pivot upon which turned the revival of the restrictive system, and our declaration of war? Why, sir, the event has proved, that in relation to that fact, the American cabinet was, to say the least, in an error. Bonaparte himself, in a decree, dated the 28th of April, 1811, but not promulgated till a year afterwards, distinctly declares, that the Berlin and Milan decrees were not definitely repealed, as relates to the United States, on the 1st of November, 1810. He also declares, that they are then, on that 28th of April, for the first time repealed. And he founds the issuing of this decree on the act of the American Congress, of the 2d of March, 1811. That very act, which was passed upon the ground of the definitive repeal of the Berlin and Milan decrees on the 1st of November, 1810, and which, it is agreed on all sides, the American government, were bound in honor not to pass, except in case of such antecedent repeal!

Were ever a body of men so abandoned in the hour of need, as the American cabinet, in this instance, by Bonaparte? Was ever any body of men so cruelly wounded in the house of their friend? This—this was “the unkindest cut of all.” But how was it received by the American cabinet? Surely they

were indignant at this treatment. Surely the air rings with reproaches upon a man, who has thus made them stake their reputation upon a falsehood; and then gives little less than the lie direct to their assertions. No, sir, nothing of all this is heard from our cabinet. There is a philosophic tameness, that would be remarkable, if it were not, in all cases affecting Bonaparte, characteristic. All the executive of the United States has found it in his heart to say in relation to this last decree of Bonaparte, which contradicts his previous allegations and asseverations is, that "This proceeding is rendered, by the time and manner of it, liable to many objections!"

I have referred to this subject as being, connected with future conduct, strikingly illustrative of the disposition of the American cabinet to carry on the war, and of their intention, if possible, not to make peace. Surely if any nation had a claim for liberal treatment from another, it was the British nation from the American, after the discovery of the error of the American government in relation to the repeal of the Berlin and Milan decrees in November, 1810. In consequence of that error, the American cabinet had ruined numbers of our own citizens, who had been caught by the revival of the non-intercourse law; they had revived that law against Great Britain under circumstances, which now appeared to have been fallacious; and they had declared war against her on the supposition, that she had refused to repeal her orders, in council, after the French decrees were, in fact, revoked; whereas, it now appears, that they were in fact not revoked. Surely the knowledge of this error was followed by an instant and anxious desire to redress the resulting injury. As the British orders in council were, in fact, revoked on the knowledge of the existence of the French decree of repeal, surely the American cabinet, at once, extended the hand of friendship; met the British government half way; stopped all further irritation, and strove to place every

thing on a basis, best suited to promote an amicable adjustment. No, sir, nothing of all this occurred. On the contrary, the question of impressments is made the basis of continuing the war. On this subject, a studied fairness of proposition is preserved, accompanied with systematic perseverance in measures of hostility. An armistice was proposed by them. It was refused by us. It was acceded to by the American general on the frontiers. It was rejected by the cabinet. No consideration of the false allegation, on which the war in fact was founded, no consideration of the critical and extremely consequential nature to both nations of the subject of impressment, no considerations of humanity, interposed their influence. They renewed hostilities. They rushed upon Canada. Nothing would satisfy them but blood. The language of their conduct is that of the giant, in the legends of infancy.

Fee, Faw, Fow, Füm,  
I smell the blood of an Englishman,  
Dead or alive, I will have some.

Can such men pretend that peace is their object? Whatever may result, the perfect conviction of my mind is, that they have no such intention, and that, if it come, it is contrary both to their hope and expectation.

I would not judge these men severely. But it is my duty to endeavor to judge them truly; and to express fearlessly the result of that judgment, whatever it may be. My opinion results from the application of the well known principle of judging concerning men's purposes and motives; to consider rather what men do, than what they say; and to examine their deeds in connexion with predominating passions and interests; and on this basis decide. In making an estimate of the intentions of these, or any other politicians, I make little, or no account of pacific pretensions. There is a general reluctance at war, and desire at peace, which pervades the great mass of

every people, and artful rulers could never keep any nation at war, any length of time, beyond their true interest, without some sacrifice to that general love of peace, which exists in civilized men. Bonapa te himself will tell you, that he is the most pacific creature in the world. He has already declared, by his proclamation to Frenchmen, that he has gone to Moscow for no other end, than to cultivate peace, and counteract the emperor of Russia's desire of war. In this country, where the popular sentiment has so strong an impulse on its affairs, the same obtrusive pretension must inevitably be preserved. No man, or set of men, ever can, or will get this country at war, or continue it long in war, without keeping on hand a stout, round stock of gulling matter. Fair propositions will, always, be made to go, hand in hand, with offensive acts. And when something is offered so reasonable, that no man can doubt but it will be accepted, at the same moment something will be done of a nature to embarrass the project, and if not to defeat, at least to render its acceptance dubious. How this has been, in past time, I have shown. I will now illustrate what is doing and intended at present.

As from the uniform tenor of the conduct of the American cabinet in relation to the British government, I have no belief, that their intention has been to make a solid arrangement with that nation, so, from the evidence of their disposition and intention, existing abroad; and on the table, I have no belief that such is at present their purpose. I cannot possibly think otherwise, than that such is not their intention. Let us take the case into common life. I have demands, Mr. Speaker, against you, very just in their nature, but different. Some of recent; others of very old date. The former depending upon principles very clearly in my favor. The latter critical, difficult and dubious, both in principle and settlement. In this state of things and during your absence, I watch my opportunity, declare enmity, throw myself upon your children,

and servants, and property, which happen to be in my neighborhood, and do them all the injury I can. While I am doing this, I receive a messenger from you, stating that the grounds of the recent injury are settled; that you comply fully with my terms. Your servants and children, whom I am plundering and killing, invite me to stay my hand until you return, or until some accommodation can take place between us. But, deaf to any such suggestions, I prosecute my intention of injury to the utmost. When there is reason to expect your return, I multiply my means of injury and offence. And no sooner do I hear of your arrival, than I thrust my fist into your face, and say to you, "well, sir, here are fair propositions of settlement. Come to my terms, which are very just. Settle the old demand in my way, and we will be as good friends as ever." Mr. Speaker, what would be your conduct, on such an occasion? Would you be apt to look as much at the nature of the propositions, as at the temper of the assailant? If you did not at once, return blow for blow, and injury for injury, would you not, at least, take a little time to consider? Would you not tell such an assailant, that you were not to be bullied, nor beaten into any concession? If you settled at all, might you not consider it your duty, in some way to make him feel the consequences of his strange intemperance of passion? For myself, I have no question how a man of spirit ought to act under such circumstances. I have as little how a great nation, like Great Britain, will act. Now, I have no doubt, sir, that the American cabinet view this subject, in the same light. They understand well, that, by the declaration of war, the invasion of Canada, the refusal of an armistice, and perseverance in hostilities, after the principal ground of war had been removed, they have wrought the minds of the British cabinet and people to a very high state of irritation. Now is the very moment to get up some grand scheme of pacification; such as may persuade the American people of the in-

veterate love of our cabinet for peace, and make them aquiescent in their perseverance in hostilities. Accordingly, before the end of the session, a great tub will be thrown out to the whale. Probably a little while before the spring elections, terms of very fair import will be proffered to Great Britain; such as, perhaps, six months ago our cabinet would not have granted, had she solicited them on her knees; such as, probably, in the opinion of the people of this country, Great Britain ought to accept; such, perhaps, as, in any other state of things, she would have accepted; but such, as I fear, under the irritation, produced by the strange course pursued by the American cabinet, that nation will not accept. Sir, I do not believe, that our cabinet expect, that they will be accepted. They think the present state of induced passion is sufficient to prevent arrangement. But, to make assurance doubly sure, to take a bond of fate, that arrangement shall not happen, they prepare this bill—a bill, which proposes an augmentation of the army for the express purpose of conquering the Canadas—a bill, which, connected with the recent disposition evinced by our cabinet in relation to those provinces, and with the avowed intent of making their subjugation the means of peace through the fear to be inspired into Great Britain, is as offensive to the pride of that nation, as can well be imagined; and is, in my apprehension, as sure a guarantee of continued war as could be given. On these grounds, my mind cannot force itself to any other conclusion than this, that the avowed object of this bill is the true one; that the Canadas are to be invaded the next season; that the war is to be protracted; and that this is the real policy of the American cabinet.

I will now reply to those invitations to “union,” which have been so obtrusively urged upon us. If, by this call to union, is meant an union in a project for the invasion of Canada, or for the invasion of East Florida, or for the conquest of any foreign country whatever, either as a means of carrying on this war,



or for any other purpose, I answer distinctly;—I will unite with no man; nor any body of men, for any such purposes. I think such projects criminal, in the highest degree, and ruinous to the prosperity of these states. But, if by this invitation is meant union in preparation for defence, strictly so called; union in fortifying our sea-board; union in putting our cities into a state of safety; union in raising such a military force as shall be sufficient, with the local militia, in the hands of the constitutional leaders, the executives of the states, to give a rational degree of security against any invasion, sufficient to defend our frontiers, sufficient to awe into silence the Indian tribes within our territories; union in creating such a maritime force, as shall command the seas on the American coasts, and keep open the intercourse, at least between the states;—if this is meant, I have no hesitation; union on such principles, you shall have from me, cordially and faithfully—and this too, sir, without any reference to the state of my opinion in relation to the justice, or the necessity of this war. Because, I well understand such to be the condition of man in a social compact, that he must partake of the fate of the society to which he belongs, and must submit to the privations and sacrifices its defence requires, notwithstanding these may be the result of the vices, or crimes of its immediate rulers. But there is a great difference between supporting such rulers in plans of necessary self-defence, on which the safety of our altars, and firesides, essentially depends, and supporting them in projects of foreign invasion, and encouraging them in schemes of conquest and ambition which are not only unjust in themselves, but dreadful in their consequences; inasmuch as, let the particular project result as it may, the general effect must be, according to human view, destructive to our own domestic liberties and constitution. I speak as an individual. Sir, for my single self, did I support such projects, as are avowed to be the objects of this bill, I should deem myself a traitor to

my country. Were I even to aid them, by loan, or any other way, I should consider myself a partaker in the guilt of the purpose. But, when these projects of invasion shall be abandoned; when men yield up schemes, which, not only openly contemplate the raising of a great military force, but also the concentrating them at one point, and placing them in one hand; schemes obviously ruinous to the fates of a free republic, as they comprehend the means, by which such have ever, heretofore, been destroyed;—when, I say, such schemes shall be abandoned, and the wishes of the cabinet limited to mere defence, and frontier and maritime protection, there will be no need of calls to union. For such objects there is not, there cannot be, but one heart and soul in this people.

I know, Mr. Speaker, that while I utter these things, a thousand tongues, and a thousand pens, are preparing, without doors, to overwhelm me, if possible, by their pestiferous gall. Already I hear, in the air, the sound of—"traitor"—"British agent"—"British gold"—and all those changes of vulgar calumny, by which the imaginations of the mass of men are affected; and by which they are prevented from listening to what is true, and receiving what is reasonable.

Mr. Speaker, it well becomes any man, standing in the presence of such a nation as this, to speak of himself seldom; and such a man as I am, it becomes to speak of himself, not at all; except, indeed, when the relations, in which he stands to his country, are little known, and when the assertion of those relations has some connexion, and may have some influence on interests, which it is peculiarly incumbent upon him to support. Under this sanction, I say, it is not for a man, whose ancestors have been planted in this country, now, for almost two centuries; it is not for a man, who has a family, and friends, and character, and children, and a deep stake in the soil; it is not for a man, who is self-conscious of being rooted in that soil as deeply, and as exclusively, as the oak which shoots

among its rocks; it is not for such a man to hesitate, or swerve a hair's breadth from his country's purpose and true interests, because of the yelpings, the howlings, and snarlings of that hungry pack, which corrupt men keep, directly or indirectly, in pay, with the view of hunting down every man, who dare develop their purposes; a pack, composed, it is true, of some native curs, but for the most part, of hounds and spaniels of very recent importation, whose backs are seared by the lash, and whose necks are sore with the collars of their former masters. In fulfilling his duty, the lover of his country must often be obliged to breast the shock of calumny. If called to that service, he will meet the exigency with the same firmness, as, should another occasion call, he would breast the shock of battle. No, sir, I am not to be deterred by such apprehensions. May heaven so deal with me and mine, as I am true or faithless to the best interests of this people! May it deal with me according to its just judgements, when I fail to bring men and measures to the bar of public opinion; and to expose projects and systems of policy, which I realize to be ruinous to the peace, prosperity and liberties of my country!

This leads me, naturally, to the third and last point of view, at which I proposed to consider this bill; as a means for the advancement of the objects of the personal, or local ambition, of the members of the American cabinet. With respect to the members of that cabinet, I may almost literally say, I know nothing of them, except as public men. Against them I have no personal animosity. I know little of them in private life; and that little never made me ambitious to know more. I look at them as public men, wielding powers, and putting in operation means and instruments, materially affecting the interests and prospects of the United States.

It is a curious fact, but no less true than curious, that for these twelve years past, the whole affairs of this country have been managed, and its fortunes re-

versed, under the influence of a cabinet, little less than despotic, composed, to all efficient purposes, of two Virginians and a foreigner. When I speak of these men as Virginians, I mean to cast no odium upon that state, as though it were not entitled to its full share of influence in the national councils; nor, when I refer to one of them as being a foreigner, do I intend thereby to suggest any connexions of a nature unworthy or suspicious. I refer to these circumstances as general and undoubted facts, which belong to the characters of the cabinet, and which cannot fail to be taken into view in all estimates of plans and projects, so long as man is constituted as he is, and so long as the prejudices and principles of childhood never fail to influence, in different degrees, in even the best men, the course of thinking and action of their riper years.

I might have said, perhaps, with more strict propriety, that it was a cabinet composed of three Virginians and a foreigner; because, once, in the course of the twelve years, there has been a change of one of the characters. But, sir, that change was, notoriously, matter of form rather than substance. As it respects the cabinet, the principles continued the same; the interests the same; the objects, at which it aimed, the same.

I said, that this cabinet had been, during these twelve years, little less than despotic. This fact, also, is notorious. During this whole period, the measures, distinctly recommended, have been adopted by the two Houses of Congress with as much uniformity and with as little modification, too, as the measures of the British ministry have been adopted, during the same period, by the British parliament. The connexion between cabinet councils and parliamentary acts, is just as intimate, in the one country, as in the other.

I said, that these three men constituted, to all efficient purposes, the whole cabinet. This, also, is notorious. It is true, that, during this period, other individuals have been called into the cabinet. But they were all

of them, comparatively, minor men; such as had no great weight, either of personal talents, or of personal influence, to support them. They were kept as instruments of the master spirits. And when they failed to answer the purpose, or became restive, they were sacrificed, or provided for. The shades were made to play upon the curtain. They entered. They bowed to the audience. They did what they were bidden. They said what was set down for them. When those, who pulled the wires, saw fit, they passed away. No man knew why they entered. No man knew why they departed. No man could tell whence they came. No man asked whither they were gone.

From this uniform composition of the cabinet, it is obvious that the project of the master spirits was that of essential influence within the cabinet. For, in such a country as ours, so extended, and its interests so complicated, it is impossible but those who would conduct its affairs wisely, and with a single eye to the public good, should strive to call around themselves the highest and most independent talents in the nation; at least of their own political friends. When this is not the case, it must be apparent, that the leading influences want not associates, but instruments. The same principle applies to the distribution of office, out of the cabinet, as to filling places within it. Some mistakes may be expected to happen in selections, among candidates for appointments, at a distance. But, if at any time a cabinet shall be systematically guided in such selection by a regard, not to merit, or qualifications, but to electioneering services; if the obvious design be to reward partizans, and encourage defection to its party standard, then the people may rest assured, that the project, such cabinet has in view, is not to serve the public interest, but to secure their personal influence; and that they want, not competency for the employment, but subserviency in it. How this matter is, I shall not assert; not because I have not very distinct opinions upon the subject; but

because the sphere of appointment is too extensive to be comprehended in the grasp of a single individual; and I mean to make no assertion concerning motive, or conduct, of which there does not exist in my mind, evidence as well complete, as conclusive. I refer to this subject, therefore, only as a collateral and corroborative proof of the purposes of the cabinet. Every man can decide for himself, in his own circle or neighborhood, concerning the apparent principle, upon which the cabinet have proceeded in making appointments; remembering, always, that the section of country, against whose prosperity the policy of the cabinet is most systematically levelled, will be that, in which subserviency to all its purposes will be most studiously inculcated among its adherents. It will be in that quarter, that the flames of party animosity will be enkindled with the most sedulous assiduity, as the means of making men forgetful of their true interests, and obedient to their employers, in spite of their natural prejudices and inclinations.

It is natural to inquire, what are the projects connected with a cabinet thus composed, and to what ends it is advancing. To answer this question, it is necessary to look into the nature and relations of things. Here the true criterions of judgment are to be found. Professions are always plausible. Why, sir, Bonaparte himself is the very milk of human kindness; he is the greatest lover of his species in the world; he would not hurt a sparrow, if you take his own account of the matter. What, then, do nature and the relations of things teach? They teach this, that the great hazard in a government, where the chief magistracy is elective, is from the local ambition of states and the personal ambition of individuals. It is no reflection upon any state to say, that it is ambitious. According to their opportunities and temptations all states are ambitious. This quality is as much predicable of states, as of individuals. Indeed, state ambition has its root in the same passions of human nature, and derives its strength from the same nutriment, as personal

ambition. All history shows, that such passions always exist among states, combined in confederacies. To deny it, is to deceive ourselves. It has existed, it does exist, and always must exist. In our political relations, as in our personal; we then walk most safely, when we walk with reference to the actual existence of things; admit the weaknesses, and do not hide from ourselves the dangers, to which our nature is exposed. Whatever is true, let us confess. Nations, as well as individuals, are only safe, in proportion as they attain self-knowledge, and regulate their conduct by it.

What fact, upon this point, does our own experience present? It presents this striking one; that, taking the years, for which the presidential chair is already filled, into the account, out of twenty-eight years, since our constitution was established, the single state of Virginia has furnished the President, for twenty-four years. And, further, it is now as distinctly known, and familiarly talked about, in this city and vicinity, who is the destined successor of the present President after the expiration of his ensuing term, and known, that he, too, is to be a Virginian, as it was known and familiarly talked about, during the presidency of Mr. Jefferson, that the present President was to be his successor. And the former was, and the latter is, a subject of as much notoriety, and, to human appearance, of as much certainty, too, as who will be the successor to the British crown, is a matter of notoriety in that country. To secure this succession and keep it in the destined line, has been, is, and will continue to be, the main object of the policy of these men. This is the point, on which the projects of the cabinet for the three years past have been brought to bear, that James the first, should be made to continue four years longer. And this is the point, on which the projects of the cabinet will be brought to bear for the three years to come—that James the second, shall be made to succeed, according to the fundamental re-scripts of the Monticellian dynasty.

[Mr. Quincy was, here, again called to order. The

Speaker said that, really, the gentleman laid his premises so remote from his conclusions, that he could not see how his observations applied to the bill. Mr. Quincy proceeded.]

On the contrary, sir, I maintain that both my premises and conclusions are very proximate to each other, and intimately connected with the bill on the table, and with the welfare of this people.

Is it not within the scope of just debate to show, that the general policy of the cabinet, and that also this particular project have for their object the aggrandizement of the cabinet themselves; or some member of it? If this be the object of the bill, is it not proper to be exhibited? The topic may be of a nature, high and critical, but no man can deny, that it is both important and relevant. To secure the power, they at present possess, to perpetuate it in their own hands, and to transfer it to their selected favorites, is the great project of the policy of the members of our cabinet. It would be easy to trace to this master passion the declaration of war, at the time, and under the circumstances, in which it occurred. Antecedent to the declaration of war, it was distinctly stated by individuals from that quarter of the country, under the influences of which this war was adopted, that the support of the present President of the United States by their quarter of the country, depended upon the fact of the cabinet's coming up to the point of war with Great Britain. This state of things, and the knowledge of it by the members of the cabinet, was repeatedly urged in conversation by members of this and the other branch of the legislature, to shake the incredulity, in a declaration of war, which at that time existed in some of our minds. Without placing any reliance on the reports of that day, this I assert, unequivocally, and without fear of contradiction, that such were the passions, which existed in the southern and western states, and such the avowed determination to war, that had not the cabinet come up to that



point, its influence, in those quarters, was at an end. Without their support, the re-election of the present chief magistrate was hopeless. Now, sir, when continuance of power is put into the scale, as, in this instance, it was unquestionably, it is not for human nature to deny that it had not a material influence in determining the balance. For myself, I have never had but one opinion on this matter, I have never doubted that we should not have had war declared at the last session, if the presidential election had not been depending.

Just so with respect to the invasion of Canada. It was, in my judgment, a test, required by the state of opinion in the southern and western states, of the sincerity of the cabinet; and of its heartiness in the prosecution of this war. This accounts for the strange and headlong haste, and the want of sufficient preparation, with which the invasion was expedited. This accounts for the neglect to meet the proposition for an armistice, when made by the governor of Canada after a knowledge of the revocation of the orders in council. This accounts for the obtrusive attempts to gain a footing in Canada, and the obstinate perseverance in the show of invasion, until the members of the electoral colleges had been definitively selected. Since which event, our armies have been quiet enough. When I see a direct dependence between the perpetuation of power in any hand, and the adoption of, and the perseverance in any particular course of measures, I cannot refrain from believing that such a course has been suggested and regulated by so obvious and weighty an interest. This subject is capable of much greater elucidation. But, according to your suggestion, sir, I shall confine myself to trace the connexion of this master passion of the cabinet with the bill, now under consideration.

The projects of the cabinet, for the present year, are loans to the amount, at least, of twenty millions; an army of fifty-five thousand men; a grand scheme

of pacification, founded on some legislative acts, or resolves; and a perpetuation of the war. The loans are expected to be filled, partly from the popularity, derived, in the commercial cities, by the vote for building seventy-fours; partly by opening offices for receiving subscriptions in the interior. Whatever is received will be diverted to the army service. The grand scheme of pacification will be made to appear very fair in terms, but, in the state of irritation, which has been produced in Great Britain by the continuance of the war after the repeal of the orders in council, and by the pertinacious perseverance in the threats and preparation to invade Canada, will, it is expected, be rejected by her. This, it is supposed, will give popularity to the war in this country. The forty dollars bounty, will, it is hoped, fill the ranks. The army, for the conquest of Canada, will be raised. To be commanded by whom? This is the critical question. The answer is in every man's mouth. By a member of the American cabinet; by one of the three; by one of that "trio," who at this moment, constitute in fact, and who efficiently have always constituted the whole cabinet. And the man, who is thus intended for the command of the greatest army, this new world ever contained; an army, nearly twice as great, as was, at any time, the regular army of our revolution; I say the man, who is intended for this great trust, is the individual, who is, notoriously, the selected candidate for the next presidency!

Mr. Speaker, when I assert that the present secretary of state, who is now the acting secretary of war, is destined by a cabinet, of which he himself constitutes one third, for the command of this army, I know that I assert intentions to exist, which have not yet developed themselves by an official avowal. The truth is, the moment for an official avowal has not yet come. The cabinet must work along, by degrees, and only show their cards, as they play them. The army must first be authorized. The bill for the new major-gene-

als must be passed. Then, upon their plan, it will be found necessary to constitute a lieutenant-general. "And who so proper," the cabinet will exclaim, "as one of ourselves?" "And who so proper as one of the cabinet?" all its retainers will respond, from one end of the continent to the other. I would, willingly, have postponed any animadversion upon this intention of the cabinet, until it should have been avowed. But, then, it would have been too late. Then, the fifty-five thousand men would have been authorized, and the necessity for a lieutenant-general inevitable. Sir, I know very well, that this public animadversion may possibly, stagger the cabinet in its purpose. They may not like to proceed in the design, after the public eye has been directed distinctly upon it. And the existence of it will be denied, and its partizans will assert that this suggestion was mere surmise. Be it so. It is, comparatively, of little importance, what happens to my person or character, provided this great evil can be averted from my country. I consider the raising such an army as this, and the putting it under the command of that individual, taking into view his connexion with the present cabinet, so ominous to the liberties of this country, that I am not anxious what happens to me, if by any constitutional responsibility, I can prevent it.

[Here Mr. Quincy proceeded to state the evidence, which had induced him to form the opinions relative to the intentions of the cabinet, which he had just advanced. He then continued.]

Mr. Speaker, what an astonishing and alarming state of things is this! Three men, who efficiently have had the command of this nation for many years, have so managed its concerns, as to reduce it from an unexampled height of prosperity to a state of great depression; not to say ruin. They have annihilated its commerce, and involved it in war. And now the result of the whole matter is, that they are about to raise an army of fifty-five thousand men, invest one of

their own body with this most solemn command, and he, the man, who is the destined candidate for the president's chair! What a grasp at power is this! What is there in history equal to it! Can any man doubt what will be the result of this project? No man can believe that the conquest of Canada will be effected in one campaign. It cost the British six years to acquire it, when it was far weaker than at present. It cannot be hoped that we can acquire it under three or four years. And what, then, will be the situation of this army and our country? Why then the army will be veteran; and the leader, a candidate for the presidency! And, whoever is a candidate for the presidency with an army of thirty thousand veterans at his heels, will not be likely to be troubled with rivals, or to concern himself about votes. A President, elected under such auspices, may be nominally a President for years; but really, if he pleases, a President for life.

I know that all this will seem wild and fantastical to very many, perhaps to all who hear me. To my mind, it is neither the one nor the other. History is full of events, less probable, and effected by armies far inferior to that, which is proposed to be raised. So far from deeming it mere fancy, I consider it absolutely certain; if this army be once raised, organized, and enter upon a successful career of conquest. The result of such a power as this, entrusted to a single individual, in the present state of parties and passions in this country, no man can anticipate. There is no other means of absolute safety, but denying it altogether.

I cannot forget, Mr. Speaker, that the sphere, in which this great army is destined to operate, is in the neighborhood of that section of country, where it is probable, in case the present destructive measures be continued in operation, the most unanimous opposition will exist to a perpetuation of power in the present hand; or to its transfer to its destined successor. I cannot forget, that it has been distinctly avowed, by

a member on this floor, a gentleman from Virginia too, (Mr. M. Clay,) and one very likely to know the views of the cabinet, that "one object of this army was to put down opposition."

Sir, the greatness of this project and its consequences, overwhelm my mind. I know very well, to what obloquy I expose myself by this developement. I know that it is, always, an unpardonable sin, to pull the veil from the party deities of the day; and that it is of a nature not to be forgiven, either by them or their worshippers. I have not, willingly, nor without long reflection, taken upon myself this responsibility. But it has been forced upon me by an imperious sense of duty. If the people of the northern and eastern states are destined to be hewers of wood and drawers of water to men who know nothing about their interests, and care nothing about them, I am clear of the great transgression. If, in common with their countrymen, my children are destined to be slaves, and to yoke in with negroes, chained to the car of a southern master, they, at least, shall have this sweet consciousness as the consolation of their condition; they shall be able to say, "our father was guiltless of these chains."

## SPEECH OF HENRY CLAY,

ON A

BILL PROPOSING THAT TWENTY THOUSAND MEN  
SHOULD BE ADDED TO THE EXISTING MILITARY  
ESTABLISHMENT,

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED  
STATES, JANUARY 8, 1813.

MR. CHAIRMAN,

I was gratified yesterday by the recommitment of this bill to a committee of the whole House, from two considerations; one, since it afforded me a slight relaxation from a most fatiguing situation;\* and the other, because it furnished me with an opportunity of presenting to the committee my sentiments upon the important topics which have been mingled in the debate. I regret, however, that the necessity under which the chairman has been placed of putting the question,† precludes the opportunity, I had wished to enjoy, of rendering more acceptable to the committee any thing I might have to offer on the interesting points, on which it is my duty to touch. Unprepared, however, as I am to speak on this day, of which I am the more sensible from the ill state of my health, I will solicit the attention of the committee for a few moments.

I was a little astonished, I confess, when I found

\* Mr. Clay was, at this time, speaker of the House of Representatives.

† The chairman had risen to put the question, which would have cut Mr. Clay off from the opportunity of speaking, by carrying the bill to the House.

this bill permitted to pass silently through the committee of the whole, and not selected, until the moment when the question was about to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the House their views of the interesting attitude in which the nation stands. It did appear to me, that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the House, and of the committee, a like indulgence in expressing my sentiments with the same unrestrained freedom. Perhaps, in the course of the remarks which I may feel myself called upon to make, gentlemen may apprehend that they assume too harsh an aspect: but I have only now to say, that I shall speak of parties, measures and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any gentlemen.

Considering the situation in which this country is now placed,—a state of actual war with one of the most powerful nations on the earth,—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner, by which we have been driven from a peaceful posture to our present warlike attitude. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government has been unremittingly impeded for the last twelve years, is singular, and, I believe, unexampled in the history of any country. It has been

alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius and to their habits. It was their interest, because a change of the condition of the nation, brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left untried; no experiment, promising a favorable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came a law of non-intercourse; and a general non-importation followed in the train. In the meantime, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort administration cultivates peace, the opposition insist that it alone is culpable for every breach that is made between the two countries. Because the President thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the king, (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees in that imaginary insult, abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypercritical ingenuity which they displayed, to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government half



the sensibility, which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war; the proud, the spirited, the sole repository of the nation's honor; the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble and pusillanimous,—“incapable of being kicked into a war.” The maxim, “not a cent for tribute, millions for defence,” is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interests; when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. “Gorgons, hydras and chimeras dire.” They tell you that honor is an illusion! Now we see them exhibiting the terrific forms of the roaring king of the forest: now the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party and of all nations, steady only in one unalterable purpose, to steer, if possible, into the haven of power.

During all this time, the parasites of opposition do

not fail, by cunning sarcasm or sly innuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism, which every where else tramples it under foot. Where then is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible, (but I have nevertheless been told it as a fact,) that an honorable member of this House, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the emperor Napoleon. The proof of the charge rested on a statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connexion of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows!

Throughout the period I have been speaking of,

the opposition has been distinguished, amidst all its veerings and changes, by another inflexible feature, the application to Bonaparte of every vile and opprobrious epithet, our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster, and beast, from that mentioned in the revelations, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She too spoke of the destruction of the balance of power, stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness; "Madam, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him." Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British house of commons, but in the chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chatham and Pitts of another country, and forgetting from honest zeal the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me, whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte—I reply that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so un-

controlled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united, we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, (Mr. Quincy,) of whom I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and that is his crime. He preserved that instrument in form,

and substance, and spirit, a precious inheritance for generations to come, and for this he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind and the consciousness of a well spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack set loose from the Essex kennel! When the gentleman, to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors; when he shall have been consigned to oblivion, or if he lives at all, shall live only in the treasonable annals of a certain junto; the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history—an Oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed: I think it was about four years ago that he submitted to the House of Representatives, an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. The gentleman debated it with his usual temper, moderation and urbanity. The House decided upon it in the most solemn manner, and, although the gentleman had somehow obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition! The same historic page that transmitted to posterity the virtue and the glory of Henry the Great, of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion

of the Saviour of mankind, has recorded, for universal execration, the name of him who was guilty, not of betraying his country, (but a kindred crime,) of betraying his God.

In one respect there is a remarkable difference between the administration and the opposition; it is in a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press in the sedition law; they opposed the more insidious attack upon the freedom of the person under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have, indeed, lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces, that it is not their vernacular tongue. What! the opposition, who in 1798 and 1799, could raise an useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specified object—the attack of the adjoining provinces of the enemy! What! the gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot of a much more serious

and alarming character—a plot that aims at the dismemberment of our union, had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the union, for several years past, can doubt the existence of such a plot. It is far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some, who have been unworthily associated with them in the quarter of the union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this House, “peaceably if we can, forcibly if we must;” nearly at the very time Henry’s mission to Boston was undertaken. The flagitiousness of that embassy has been attempted to be concealed, by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There is a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected, that the neutrality and eventual separation of that section of the union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce on the one side,

and by the groundless imputation of opposite propensities on the other. The affections of the people, there, are gradually to be undermined. The project is suggested or withdrawn; the diabolical *dramatis personæ* in this criminal tragedy, make their appearance or exit, as the audience, to whom they address themselves, applaud or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the union—deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads, to gentlemen who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentlemen from North Carolina, (Mr. Pearson,) from Connecticut, (Mr. Pitkin,) and from New York, (Mr. Bleecker,) have, with their usual decorum, contended, that the war would not have been declared, had it not been for the duplicity of France in withholding an authentic instrument, repealing the decrees of Berlin and Milan; that upon the exhibition of such an instrument the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honor and interest of this country might be obtained. It is my purpose to examine, first, into the circumstances under which the war was declared; secondly, into the causes of continuing it; and lastly, into the means which have been taken, or ought to be taken, to pro-



cure peace; but, sir, I am really so exhausted, that, little as I am in the habit of asking of the House an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. Clay sat down. Mr. Newton moved, that the committee rise, report progress, and ask leave to sit again, which was done. On the next day he proceeded.]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and of which it is to be hoped, there will be no repetition. The gentleman from Boston, had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I have the honor to follow, (Mr. Wheaton,) whatever else he might not have proved, in his very learned, ingenious, and original exposition of the powers of this government,—an exposition in which he has sought, where nobody before him has, and nobody after him will look, for a grant of our powers, I mean the preamble to the constitution,—has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle, in behalf of my political friends, against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the freedom of debate,—no member is more responsible for its abuse; and if, on this occasion, its just limits have been violated, let him, who has been the unprovoked aggressor, appropriate to himself, exclusively, the consequences.

I omitted yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the union employ to effect their nefarious purposes—I mean southern influence. The true friend to his country, knowing

that our constitution was the work of compromise, in which interests, apparently conflicting, were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate with their utmost industry, a belief of them. Hence the idea of southern preponderance; Virginia influence; the yoking of the respectable yeomanry of the north, with negro slaves, to the car of southern nabobs. If Virginia really cherishes a reprehensible ambition, an aim to monopolize the chief magistracy of the country, how is such a purpose to be accomplished? Virginia, alone, cannot elect a President, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many states. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment,—public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment,—is he prepared to admit, that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council,—a pretension by which she undertook to proclaim to American enterprize,—“Thus far shalt thou go, and no farther,”—orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other

wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired,—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague, (Mr. M'Kee,) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the House, and three only to the other! It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question, was undoubtedly extremely exceptionable. But I maintain, that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the secretary of state just before the expiration of his diplomatic functions. It will be recollected by the committee, that he exhibited to this government a despatch from lord Castlereagh, in which

the principle was distinctly avowed, that, to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth of June, after the bill declaring war had actually passed this House, and was pending before the senate, (and which, I have no doubt, was known to him,) in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, nor ever could engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except singly and specially, America from the operation of her decrees." On the fourteenth of the same month, the bill still pending before the senate, he repeats: "I will now say, that I feel entirely authorized to assure you, that if you can at any time produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing such an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council." Thus, sir, you see that the British government, would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended, that, in point of fact, it did pro-

duce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared, by one of the British ministry in parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are withdrawn, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities, between this country and Great Britain.

I am far from acknowledging, that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself, I have no hesitation in saying, that I have always considered the impressment of American seamen, as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies; of which she constitutes herself the sole judge. She waves the temporary use of the rod; but she suspends it *in terrorem* over our heads. Supposing it to be conceded to gentlemen that such a repeal of the orders in council, as took place on the twenty-third of June last, exceptional as it is, being known before the war was proclaimed, would have prevented it: does it follow, that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain?

Does it follow, in all cases, that that, which would in the first instance have prevented, would also terminate the war? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then, no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say, that American seamen shall be surrendered, as victims to the British principle of impressment? And, sir, what is this principle? She contends, that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas, without her jurisdiction. Now I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose than in the pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations, at the same time, admit and practice the right of natu-

ralization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign having the possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas; where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice, no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of her seamen. The naked truth is, she comes, by her press gangs, on board of our vessels, seizes our native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle which, if it were theoretically right, must be for ever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, gov-

ernment has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave—"let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear-mark. The colors that float from the mast head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag, (not being enemies,) are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you, but I cannot, my son, fight for you." If he did not consider this mere mockery, the poor tar would address her judgment and say, 'you owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?' Appealing to her passions, he would continue: 'I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck.' If she remained still unmoved, he would break out, in the accents of mingled distress and despair,



Hard, hard is my fate ! once I freedom enjoyed,  
 Was as happy as happy could be !  
 Oh ! how hard is my fate, how galling these chains !

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection.

It is said, that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one, prior to his departure from that country. Let us hear what that minister says, upon his return to America. In his letter, dated at New York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with lords Hawkesbury and St. Vincent, and stating, that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up, (the *mare claustrum*,) he concludes: "I regret not to have been able to put this business on a satisfactory footing, knowing as I do its very great importance to both parties; but I flatter myself, that I have not misjudged the interests of our own country, in refusing to sanction a principle, that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negociation, on this affair, is more fully given in the recent conversation between Mr. Russell and lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell: 'Indeed, there has evidently been much misapprehension on this subject, an erroneous belief entertained, that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in Congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement, solely to the miscon-

duct of the American government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part, of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject, to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to sir William Scott at the time. Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. 'Thus you see,' proceeded lord Castlereagh, 'that the confidence of Mr. King on this subject was entirely unfounded.'

Thus it is apparent, that at no time has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by administration since the war.

The honorable gentleman from New York, (Mr. Bleecker,) in the very sensible speech with which he favored the committee, made one observation which did not comport with his usual liberal and enlarged views. It was, that those who are most interested against the practice of impressment, did not desire a continuance of the war on account of it, whilst those, (the southern and western members,) who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment unworthy of

that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the western wilds, although his quarter of the union may be exempted from similar barbarities? I am sure he does. If there be a description of rights, which, more than any other, should unite all parties in all quarters of the union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life: whenever the sacred rights of an American freeman are assailed, all hearts ought to unite, and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends, that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the union! That gentleman considers it honest to hold Canada as a kind of hostage; to regard it as a sort of bond for the good behaviour of the enemy. But he will not enforce the bond. The actual conquest of that country would, according to him, make no impression upon the enemy, and yet the very apprehension only of such a conquest, would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and unoffending, as connected with those of the bordering states by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada innocent! Canada unoffending! Is it not in Canada, that the tomahawk of the savage has been moulded

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into its deathlike form? Has it not been from Canadian magazines, Malden and others, that those supplies have been issued which nourish and continue the Indian hostilities? Supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders! Was it not by the joint co-operation of Canadians and Indians, that a remote American fort, Michilimackinac, was assailed and reduced, while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone. When administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And now they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another—a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property and citizens of the other; subject only to the rules of mitigated war practised by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked, for the learned gentlemen, on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war upon the principles of the honorable gentleman, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than

those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element, organization, discipline and a thorough knowledge of their duties exist, on the part of the officers and their men. On the other, almost every thing is yet to be acquired. We have, however, the consolation, that our country abounds with the richest materials; and that in no instance, when engaged in action, have our arms been tarnished. At Brownstown and at Queenstown the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true; that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings; it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it, the Indian war would have been in a great measure prevented or terminated; the ascendancy on lake Erie acquired, and the war pushed on perhaps to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition, under the command of governor Edwards and colonel Russell, to lake Pioria, on the Illinois, was completely successful. So was that of captain Craig, who, it is said; ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprize of colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool, deliberate bravery displayed, than that by Newman's party from Georgia: and the capture

of the Detroit, and the destruction of the Caledonia, (whether placed to a maritime or land account,) for judgment, skill and courage on the part of lieutenant Elliot, have never been surpassed.

It is alleged, that the elections in England are in favor of the ministry, and that those in this country are against the war. If, in such a cause, (saying nothing of the impurity of their elections,) the people of that country have rallied round their government, it affords a salutary lesson to the people here; who, at all hazards, ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent re-election of the chief magistrate. Suppose it were even true, that an entire section of the union were opposed to the war, that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition has been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equipoised, that out of thirty or thirty-five thousand votes, those, who approved and are for supporting it, lost the election by only one thousand or one thousand five hundred. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find, that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war has been removed? We sought indemnity for the past and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations. Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet administration has given the strongest demonstrations of its love of peace. On the twenty-ninth of June, less than

ten days after the declaration of war, the secretary of state writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a real truce; that the war should in fact cease on both sides. Again, on the 27th of July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut, (Mr. Pitkin,) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of Congress is intimated. And yet the constant usage of nations I believe is; where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted and made the occasion of a sneer, that we are tired of the war. The proposition of admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the government of the United States shall instantly recal their letters of marque

and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, the orders in council are to be forthwith revived. Administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, without the armistice, to an immediate discussion and arrangement of an article on that subject." Thus it has left the door of negotiation unclosed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina, (Mr. Pearson,) supposes, that if Congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt, if such a law were to pass, with all the requisite solemnities, and the repeal to take place, lord Castlereagh would laugh at our simplicity. No, sir, administration has erred in the steps which it has taken to restore peace, but its error has been, not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war.



My plan would be to call out the ample resources of the country, give them a judicious direction; prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which, disdain- ing to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gal- lant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMAN'S RIGHTS.

# SPEECH OF DANIEL WEBSTER.

ON THE

BANK OF THE UNITED STATES,

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES, JANUARY 2, 1815.

On the 2d January, 1815, the bill to incorporate a bank being under consideration, Mr. Webster moved that it be recommitted to a select committee, with instructions to make the following alterations, to wit :—

1. To reduce the capital to twenty-five millions, with liberty to the government to subscribe on its own account, five millions.
2. To strike out the thirteenth section.
3. To strike out so much of said bill as makes it obligatory on the bank to lend money to government.
4. To introduce a section providing, that if the bank do not commence its operations within the space of                      months, from the day of the passing of the act, the charter shall thereby be forfeited.
5. To insert a section allowing interest at the rate of        *per cent.* on any bill or note of the bank, of which payment shall have been duly demanded, according to its tenor, and refused; and to inflict penalties on any directors who shall issue any bills or notes during any suspension of specie payment at the bank.
6. To provide that the said twenty-five millions of capital stock shall be composed of five millions of specie, and twenty millions of any of the stocks of the United States bearing an interest of six *per cent.* or of treasury notes.
7. To strike out of the bill that part of it which restrains the bank from selling its stock during the war.

In support of this motion, the following speech was delivered. The motion did not prevail, but the bill itself was rejected the same day on the third reading. Some of the main principles of these instructions were incorporated into the charter of the present bank, when that charter was granted the following year; especially those, which were more particularly designed to insure the payment of the notes of the bank in specie, at all times, on demand.

HOWEVER the House may dispose of the motion before it, I do not regret that it has been made. One

object intended by it, at least, is accomplished. It presents a choice, and it shows that the opposition which exists to the bill in its present state, is not an undistinguishing hostility to whatever may be proposed as a national bank, but a hostility to an institution of such a useless and dangerous nature, as it is believed the existing provisions of the bill would establish.

If the bill should be recommitted and amended according to the instructions which I have moved, its principles will be materially changed. The capital of the proposed bank will be reduced from fifty to thirty millions: and composed of specie and stocks in nearly the same proportions as the capital of the former bank of the United States. The obligation to lend thirty millions of dollars to government, an obligation which cannot be performed without committing an act of bankruptcy, will be struck out. The power to suspend the payment of its notes and bills will be abolished, and the prompt and faithful execution of its contracts secured, as far as, from the nature of things, it can be secured. The restriction on the sale of its stocks will be removed, and as it is a monopoly, provision will be made that if it should not commence its operations in reasonable time, the grant shall be forfeited. Thus amended, the bill would establish an institution not unlike the last bank of the United States in any particular which is deemed material, excepting only the legalized amount of capital.

To a bank of this nature I should at any time be willing to give my support, not as a measure of temporary policy, or as an expedient to find means of relief from the present poverty of the treasury; but as an institution of permanent interest and importance, useful to the government and country at all times, and most useful in times of commerce and prosperity.

I am sure, sir, that the advantages which would at present result from any bank, are greatly overrated. To look to a bank, as a source capable, not only of af-

fording a circulating medium to the country, but also of supplying the ways and means of carrying on the war, especially at a time when the country is without commerce, is to expect much more than ever will be obtained. Such high-wrought hopes can end only in disappointment. The means of supporting an expensive war are not of quite so easy acquisition. Banks are not revenue. They cannot supply its place. They may afford facilities to its collection and distribution. They may furnish, with convenience, temporary loans to government, in anticipation of its taxes, and render important assistance, in divers ways, to the general operation of finance. They are useful to the State in their proper place and sphere, but they are not sources of national income.

The fountains of revenue must be sunk deeper. The credit and circulation of bank paper are the effects, rather than the causes of a profitable commerce, and a well ordered system of finance. They are the props of national wealth and prosperity, not the foundations of them. Whoever shall attempt to restore the fallen credit of this country, by the creating of new banks, merely that they may create new paper, and that government may have a chance of borrowing where it has not borrowed before, will find himself miserably deceived. It is under the influence of no such vain hopes, that I yield my assent to the establishment of a bank on sound and proper principles. The principal good I expect from it is rather future than present. I do not see, indeed, that it is likely to produce evil at any time. In times to come, it will, I hope, be useful. If it were only to be harmless, there would be sufficient reason why it should be supported, in preference to such a contrivance as is now in contemplation.

The bank which will be erected by the bill, if it should pass in its present form, is of a most extraordinary, and, as I think, alarming nature. The capital is to be fifty millions of dollars; five millions in gold

and silver, twenty millions in the public debt created since the war, ten millions in treasury notes, and fifteen millions to be subscribed by government, in stock to be created for that purpose. . The ten millions in treasury notes, when received in payment of subscriptions to the bank, are to be funded also in United States' stocks. The stock subscribed by government on its own account, and those in which the treasury notes are to be funded, to be redeemable only at the pleasure of the government. The war stock will be redeemable according to the terms upon which the late loans have been negotiated.

The capital of the bank, then, will be five millions of specie and forty-five millions of government stocks. In other words, the bank will possess five millions of dollars, and the government will owe it forty-five millions. This debt from government, the bank is restrained from selling during the war, and government is excused from paying, until it shall see fit. The bank is also to be under obligation to loan government thirty millions of dollars on demand, to be repaid, not when the convenience or necessity of the bank may require, but when debts due to the bank, from government, are paid; that is, when it shall be the good pleasure of government. This sum of thirty millions is to supply the necessities of government, and to supersede the occasion of other loans. This loan will doubtless be made on the first day of the existence of the bank, because the public wants can admit of no delay. Its condition, then, will be, that it has five millions of specie, if it has been able to obtain so much, and a debt of seventy-five millions, no part of which it can either sell or call in, due to it from government.

The loan of thirty millions to government can only be made by an immediate issue of bills to that amount. If these bills should return, the bank will not be able to pay them. This is certain, and to remedy this inconvenience, power is given to the directors, by the

act, to suspend, at their own discretion, the payment of their notes, until the President of the United States shall otherwise order. The President will give no such order, because the necessities of government will compel it to draw on the bank till the bank becomes as necessitous as itself. Indeed, whatever orders may be given or withheld, it will be utterly impossible for the bank to pay its notes. No such thing is expected from it. The first note it issues will be dishonored on its return, and yet it will continue to pour out its paper, so long as government can apply it in any degree to its purposes.

What sort of an institution, sir, is this? It looks less like a bank, than a department of government. It will be properly the paper-money department. Its capital is government debts; the amount of its issues will depend on government necessities; government, in effect, absolves itself from its own debts to the bank, and by way of compensation absolves the bank from its own contracts with others. This is, indeed, a wonderful scheme of finance. The government is to grow rich, because it is to borrow, without the obligation of repaying, and is to borrow of a bank which issues paper without liability to redeem it. If this bank, like other institutions which dull and plodding common sense has erected, were to pay its debts, it must have some limits to its issues of paper, and therefore, there would be a point beyond which it could not make loans to government. This would fall short of the wishes of the contrivers of this system. They provide for an unlimited issue of paper, in an entire exemption from payment. They found their bank, in the first place, on the discredit of government, and then hope to enrich government out of the insolvency of their bank. With them, poverty itself is the main source of supply, and bankruptcy a mine of inexhaustible treasure. They rely not in the ability of the bank, but in its beggary; not in gold and silver collected in its vaults, to pay its debts, and fulfil its promises, but

in its locks and bars, provided by statute, to fasten its doors against the solicitations and clamors of importunate creditors. Such an institution, they flatter themselves, will not only be able to sustain itself, but to buoy up the sinking credit of the government. A bank which does not pay, is to guarantee the engagements of a government which does not pay! "John Doe is to become security for Richard Roe." Thus the empty vaults of the treasury are to be filled from the equally empty vaults of the bank, and the ingenious invention of a partnership between insolvents is to restore and re-establish the credit of both.

Sir, I can view this only as a system of rank speculation, and enormous mischief. Nothing in our condition is worse, in my opinion, than the inelination of government to throw itself upon such desperate courses. If we are to be saved, it is not to be by such means. If public credit is to be restored, this is not one of the measures that will help to restore it. If the treasury is exhausted, this bank will not fill it with any thing valuable. If a safe circulating medium be wanted for the community, it will not be found in the paper of such a corporation.

I wish, sir, that those who imagine that these objects or any of them will be effected by such a bank as this, would describe the manner in which they expect it to be done. What is the process, which is to produce these results? If it is perceived, it can be described. The bank will not operate either by miracle or magic. Whoever expects any good from it, ought to be able to tell us in what way that good is to be produced. As yet, we have had nothing but general ideas, and vague and loose expressions. An indefinite and indistinct notion is entertained; nobody here seems to know on what ground, that this bank is to reanimate public credit, fill the treasury, and remove all the evils that have arisen from the depreciation of the paper of the existing banks.

Some gentlemen who do not profess themselves to

be, in all respects, pleased with the provisions of the bill, seem to content themselves with an idea that nothing better can be obtained, and that it is necessary to do something. A strong impression that something must be done, is the origin of many bad measures. It is easy, sir, to do something, but the object is to do something useful. It is better to do nothing than to do mischief. It is much better, in my opinion, to make no bank, than to pass the bill as it now is.

The interests to be affected by this measure, the finances, the public credit, and the circulating medium of the country are too important to be hazarded in schemes like these. If we wish to restore the public credit, and to re-establish the finances, we have the beaten road before us. All true analogy, all experience and all just knowledge of ourselves and our condition point one way. A wise and systematic economy, and a settled and substantial revenue, are the means to be relied on; not excessive issues of bank notes, a forced circulation and all the miserable contrivances to which political folly can resort, with the idle expectation of giving to mere paper the quality of money.

These are all the inventions of a shortsighted policy, vexed and goaded by the necessities of the moment, and thinking less of a permanent remedy, than of shifts and expedients to avoid the present distress. They have been a thousand times adopted, and a thousand times exploded as delusive and ruinous, as destructive of all solid revenue, and incompatible with the security of private property.

It is, sir, sufficiently obvious, that to produce any benefit, this bank must be so constructed, as that its notes shall have credit with the public. The first inquiry, therefore, should be, whether the bills of a bank of this kind will not be immediately and greatly depreciated. I think they will. It would be a wonder if they should not. This effect will be produced by that excessive issue of its paper which the bank must make



in its loan to government. Whether its issues of paper are excessive, will depend not on the nominal amount of its capital, but on its ability to redeem it. This is the only safe criterion. Very special cases may perhaps furnish exceptions, but there is, in general, no security for the credit of paper, but the ability, in those who emit, to redeem it. Whenever bank notes are not convertible into gold and silver, at the will of the holder, they become of less value than gold and silver. All experiments on this subject have come to the same result. It is so clear, and has been so universally admitted, that it would be waste of time to dwell upon it. The depreciation may not be sensibly perceived the first day, or the first week, it takes place. It will first be discerned in what is called the rise of specie; it will next be seen in the increased price of all commodities. The circulating medium of a commercial community, must be that which is also the circulating medium of other commercial communities, or must be capable of being converted into that medium, without loss. It must be able, not only to pass in payments and receipts, among individuals of the same society and nation, but to adjust and discharge the balance of exchanges between different nations. It must be something, which has a value abroad, as well as at home, and by which foreign as well as domestic debts can be satisfied. The precious metals alone answer these purposes. They alone, therefore, are money, and whatever else is to perform the offices of money, must be their representative, and capable of being turned into them at will. So long as bank paper retains this quality, it is a substitute for money; divested of this, nothing can give it that character. No solidity of funds, no sufficiency of assets, no confidence in the solvency of banking institutions has ever enabled them to keep up their paper to the value of gold and silver, any longer than they paid gold and silver for it, on demand. This will continue to be the case so long as those metals shall continue to be the stan-

dard of value and the general circulating medium among nations.

A striking illustration of this common principle is found in the early history of the bank of England. In the year 1697, it had been so liberal of its loans, that it was compelled to suspend the payment of its notes. Its paper immediately fell to a discount of near twenty *per cent.* Yet such was the public opinion of the solidity of its funds, that its stock then sold for one hundred and ten *per cent.* although no more than sixty *per cent.* upon the subscription had been paid in.

The same fate, as is well known, attended the banks of Scotland, when they adopted the practice of inserting in their notes a clause, giving the banks an option of paying their notes on demand, or six months after demand, with interest. Paper of this sort was not convertible into specie, at the pleasure of the holder; and no conviction of the ability of the bank which issued it, could preserve it from depreciation.

The suspension of specie payments by the bank of England, 1797, and the consequences which followed, afford no argument to overthrow this general experience. If bank of England notes were not immediately depreciated, on that occasion, depreciation, nevertheless, did ensue. Very favorable causes existed to prevent their sudden depression. It was an old and rich institution. It was known to be under the most discreet and independent management. Government had no control over it, to force it to make loans, against its interest or its will. On the contrary, it compelled the government to pay, though with much inconvenience to itself, a very considerable sum, which was due to it. The country enjoyed, at that time, an extensive commerce, and a revenue of three hundred millions of dollars was collected and distributed through the bank. Under all these advantages, however, the difference of price between bank notes and coin became at one time so great, as to threaten the most dangerous consequences.

Suppose the condition of England to have been reversed. Suppose that instead of a prosperous and increasing commerce, she had suffered the ruin of her trade, and that the product of her manufactures had lain upon her hands, as the product of our agriculture now perishes in ours. Does any one imagine that her circulating paper could have existed and maintained any credit, in such a change of her condition? What ought to surprize us is not that her bank paper was depreciated, but that it was not depreciated sooner and lower than in fact it was. The reason can only be found in that extraordinary combination of favorable circumstances, which never existed before, and is hardly to be expected again. Much less is it to be discovered in our condition at present.

But we have experience nearer home. The paper of all the banks south of New England, has become depreciated to an alarming extent. This cannot be denied. All that is said of the existence of this depreciation remote from the banks, is unfounded and idle. It exists everywhere. The rates of exchange, both foreign and domestic, put this point beyond controversy. If a bill of exchange on Europe can be purchased, as it may, twenty *per cent.* cheaper in Boston than in Baltimore, the reason must be that it is paid for, in Boston, in money, and in Baltimore, in something twenty *per cent.* less valuable than money.

Notwithstanding the depression of their paper, it is not probable that any doubt is entertained of the sufficiency of the funds of the principal banks. Certainly no such doubt is the cause of the fall of their paper; because the depression of the paper of all the banks in any place, is, as far as I learn, generally uniform and equal; whereas if public opinion proceeded at all upon the adequacy or inadequacy of their funds, it would necessarily come to different results, in different cases, as some of these institutions must be supposed to be richer than others.

Sir, something must be discovered which has hither-

to escaped the observation of mankind, before you can give to paper intended for circulation, the value of a metallic currency, any longer than it represents that currency, and is convertible into it, at the will of the holder.

The paper, then, of this bank, if you make it, will be depreciated, for the same reason that the paper of other banks that have gone before it, and of those which now exist around us has been depreciated, because it is not to pay specie for its notes.

Other institutions, setting out perhaps on honest principles, have fallen into discredit, through mismanagement or misfortune. But this bank is to begin with insolvency. It is to issue its bills to the amount of thirty millions, when every body knows it cannot pay them. It is to commence its existence in dishonor. It is to draw its first breath in disgrace. The promise contained in the first note it sends forth, is to be a false promise, and whoever receives the note, is to take it, with the knowledge, that it is not to be paid according to the terms of it.

But this, sir, is not all. The framers of this bill have not done their work by halves. They have put the depreciation of the notes of their bank beyond all doubt or uncertainty. They have made assurance doubly sure. In addition to excessive issues of paper, and the failure to make payments, both which they provide for by law, they make the capital of the bank, to consist principally of public stock.

If this stock should be sold as in the former bank of the United States, the evil would be less. But the bank has not the power to sell it, and for all purposes of enabling it to fulfil its engagements, its funds might as well be at the bottom of the ocean, as in government stocks, of which it cannot enforce payment, and of which it cannot dispose.

The credit of this institution is to be founded on public funds, not on private property, or commercial credit. It is to be a financial not a commercial bank. Its

credit can hardly, therefore, be better at any time than the credit of the government. If the stocks be depreciated, so of course must every thing be which rests on the stocks.

It would require extraordinary ingenuity to show how a bank, which is founded on the public debt, is to have any better reputation than the debt itself. It must be some very novel invention, which makes the superstructure keep its place, after the foundation has fallen. The argument seems to stand thus. The public funds, it is admitted, have little credit; the bank will have no credit which it does not borrow of the funds; but the bank will be in full credit.

If, sir, we were in a temper to learn wisdom from experience, the history of most of the banks on the continent of Europe might teach us the futility of all these contrivances. Those were, like this before us, established for the purposes of finance, not purposes of commerce. The same fortune has happened to them all. Their credit has sunk. Their respective governments go to them for money when they can get it nowhere else; and the banks can relieve their wants, only by new issues of their own paper. As this is not redeemed, the invariable consequence of depreciation follows; and this has sometimes led to the miserable and destructive expedient of depreciation of the coin itself.

Such are the banks of Petersburg, Copenhagen, Vienna, and other cities of Europe; and while the paper of these government banks has been thus depressed, that of other banks existing in their neighborhood, unconnected with government, and conducting their business on the basis of commercial credit, has retained a value equivalent to that of coin.

Excessive issues of paper and a close connexion with government, are the circumstances which of all are the most certain to destroy the credit of bank paper. If there were no excessive issues, or, in other words, if the bank paid its notes in specie, on demand,

its connexion with government and its interest in the funds would not, perhaps, materially affect the circulation of its paper, although they would naturally diminish the value of its stock. But when these two circumstances exist in the condition of any bank; that it does not pay its notes and that its funds are in public stocks, and all its operations intimately blended with the operations of government, nothing further need be known, to be quite sure that its paper will not answer the purpose of a creditable circulating medium.

I look upon it, therefore, sir, as certain that a very considerable discount will attach itself to the notes of this bank, the first day of their appearance; that this discount will continue to increase, and unless Congress should be able to furnish some remedy, which is not certain, the paper, in the end, will be worth nothing. If this happens, not only will no one of the benefits proposed be obtained, but evils of the most alarming magnitude will follow. All the horrors of a paper-money system are before us. If we venture on the present expedient, we shall hardly be able to avoid them. The ruin of public affairs and the wreck of private property will ensue.

I would ask, sir, whether the friends of this measure have well considered what effect it will produce on the revenue of the country? By the provisions of this bill, the notes of this bank are to be received in payment of all taxes and other dues to government. They cannot be refused on account of the depreciation of their value. Government binds itself to receive them at par; although it should be obliged immediately to pay them out, at a discount of a hundred *per cent.* It is certain, then, that a loss in the revenue will be sustained, equal to any depreciation which may take place in this paper; and when the paper shall come to nothing, the revenue of the country will come to nothing along with it. This has happened to other countries, where this wretched system has been adopted, and it will happen here.

The Austrian government resorted to a similar experiment, in a very critical period of its affairs, in 1809, the year of the last campaign between that country and France, previous to the coalition. Pressed by the necessities of the occasion, the government caused a large quantity of paper to be issued, which was to be received in imposts and taxes. The paper immediately fell to a depreciation of four for one. The consequence was, that the government lost its revenue, and, with it, the means of supplying its armies and defending its empire.

Is this government now ready, sir, to put its resources all at hazard, by pursuing a similar course? Is it ready to sacrifice its whole substantial revenue and permanent supplies to an ill-contrived, ill-considered, dangerous and ruinous project, adopted only as the means of obtaining a little present and momentary relief?

It ought to be considered, also, what effects this bank will produce on other banking institutions already existing, and on the paper which they have issued. The aggregate capital of these institutions is large. The amount of their notes is large, and these notes constitute, at present, in a great portion of the country, the only circulating medium, if they can be called a circulating medium. Whatever affects this paper, either to raise it, or depress it lower than it is, affects the interests of every man in the community.

It is sufficient on this point to refer to the memorial from the banks of New York. That assures us that it must be the operation of such a bank, as this bill would establish, to increase the difficulties and distress, which the existing banks now experience, and to render it nearly impossible for them to resume the payment of their notes. This is what every man would naturally expect. Paper already depreciated, will necessarily be sunk still lower, when another flood of depreciated paper is forced into circulation.

Very recently this government refused to extend

the charter of the bank of the United States, upon the ground, that it was unconstitutional for Congress to create banks. Many of the state banks owe their existence to this decision. It was an invitation to the states to incorporate as much banking capital as would answer all the purposes of the country. Notwithstanding what we may now see and hear, it would then have been deemed a gross imputation on the consistency of government, if any man had expressed an expectation, that in five years all these constitutional scruples would be forgotten, all the dangers to political liberty from monied institutions disregarded, and a bank proposed upon the most extraordinary principles, with an unprecedented amount of capital, and with no obligation to fulfil its contracts.

The state banks have not forced themselves in the way of government. They were established, many of them, at least, when government had declared its purpose to have no bank of its own. They deserve some regard on their own account, and on account of those particularly concerned in them. But they deserve much more consideration, on account of the quantity of paper which is in circulation, and the interest which the whole community has in it.

Let it be recollected also, sir, that the present condition of the banks is principally owing to their advances to government. The treasury has borrowed of the banks, or of those who themselves borrowed of the banks, till the banks have become as poor and almost as much discredited, as the treasury itself. They have depreciated their paper, nearly ruined themselves, and brought the sorest distress on the country, by doing that on a small scale, which this bank is to perform on a scale vastly larger.

It is almost unpardonable in the conductors of these institutions, not to have foreseen the consequences which have resulted from the course pursued by them. They were all plain and visible. If they have any apology, it is, that they were no blinder than the gov-



ernment, and that they yielded to those who would take no denial. It will be altogether unpardonable in us, if with this, as well as all other experience before us, we continue to pursue a system which must inevitably lead us through depreciation of currency, paper-money, tender-laws, and all the contemptible and miserable contrivances of disordered finance and national insolvency, to complete and entire bankruptcy in the end.

I hope the House will recommit the bill for amendment.

## SPEECH OF HENRY CLAY,

### ON THE SEMINOLE WAR,

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES, JANUARY 18, 1819.



The Report of the Committee on Military Affairs respecting the Seminole War, concluded with the following resolution :—

*Resolved*, That the House of Representatives of the United States, disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister.

Mr. Cobb, of Georgia, moved the following resolutions as an amendment to the report of the military committee.

*Resolved*, That the committee on military affairs be instructed to prepare and report a bill to this House, prohibiting, in time of peace, or in time of war with any Indian tribe or tribes only, the execution of any captive, taken by the army of the United States, without the approbation of such execution by the President.

*Resolved*, That this House disapproves of the seizure of the posts of St. Marks and Pensacola, and the fortress of Barrancas, contrary to orders, and in violation of the constitution.

*Resolved*, That the same committee be also instructed to prepare and report a bill prohibiting the march of the army of the United States, or any corps thereof, into any foreign territory without the previous authorization of Congress, except it be in the case of fresh pursuit of a defeated enemy of the United States, taking refuge within such foreign territory.

MR. CHAIRMAN,

In rising to address you, sir, on the very interesting subject which now engages the attention of Congress, I must be allowed to say, that all inferences drawn from the course, which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain, whose operations are under investigation, will be wholly unfounded. Towards that distinguished captain, who has shed so much glory on our country, whose renown constitutes so great a portion

of its moral property, I never had, I never can have any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know the motives which have been, and which will again be attributed to me, in regard to the other exalted personage alluded to. They have been, and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Little as has been my experience in public life, it has been sufficient to teach me that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the President, I would precede him, and pick out those, if I could, which might jostle him in his progress; I would sympathize with him in his embarrassments and commiserate with him in his misfortunes. It is true, that it has been my mortification to differ with that gentleman on several occasions. I may be again reluctantly compelled to differ with him; but I will with the utmost sincerity assure the committee that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

I beg leave further to premise that the subject under consideration, presents two distinct aspects, susceptible, in my judgment, of the most clear and precise discrimination. The one I will call its foreign, the other its domestic, aspect. In regard to the first, I will say, that I approve entirely of the conduct of this government, and that Spain has no cause of complaint. Having violated an important stipulation of the treaty

of 1795, that power had justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belongs not to her to complain of those measures which resulted from her breach of contract; still less has she a right to examine into the considerations connected with the domestic aspect of the subject.

What are the propositions before the committee? The first in order is that reported by the military committee, which asserts the disapprobation of this House of the proceedings in the trial and execution of Arbutnot and Ambrister. The second, being the first contained in the proposed amendment, is the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter, of any captive, taken by the army, without the approbation of the President. The third proposition is, that this House disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law shall pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of Congress, except it be in fresh pursuit of a defeated enemy. The first and third are general propositions, declaring the sense of the House, in regard to the evils pointed out; and the second and fourth propose the legislative remedies against the recurrence of these evils.

It will be at once perceived, by this simple statement of the propositions, that no other censure is proposed against general Jackson himself, than what is merely consequential. His name even does not appear in any one of the resolutions. The legislature of the country, in reviewing the state of the union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, have taken place near our southern border. I will add, that the House has

not sought, by any officious interference with the duties of the executive, to gain jurisdiction over this matter. The President, in his message at the opening of the session, communicated the very information on which it is proposed to act. I would ask, for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we suppose this information discloses alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of Congress to the subject, the President must himself have intended that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the House upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, I repeat, that there is no censure anywhere, except such as is strictly consequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is that something has happened which ought not to have taken place, and no other than this indirect sort of censure will flow, from the resolutions before the committee.

Having thus given my view of the nature and character of the propositions under consideration, I am far from intimating, that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal and constitutional, involved in them. And, whilst I trust I shall speak with the decorum due to the distinguished officers of the government, whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments.

In noticing the painful incidents of this war, it is impossible not to inquire into its origin. I fear that it will be found to be the famous treaty of Fort Jackson,

concluded in August, 1814; and I ask the indulgence of the chairman, that the clerk may read certain parts of that treaty. (The clerk having read as requested, Mr. Clay proceeded.) I never perused this instrument until within a few days past, and I read it with the deepest mortification and regret. A more dictatorial spirit I have never seen displayed in any instrument. I will challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations, that surrounded her; and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of peace. It consists of the most severe and humiliating demands—of the surrender of large territory—of the privilege of making roads through the remnant which was retained—of the right of establishing trading houses—of the obligation of delivering into our hands their prophets. And all this, of a wretched people, reduced to the last extremity of distress, whose miserable existence we had to preserve by a voluntary stipulation, to furnish them with bread! When did the all-conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated! Let me not be told, that these prophets were impostors who deceived the Indians. They were their prophets—the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek Founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and super-

stitutions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up, by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch, rather than submit to such ignominious terms. What a contrast is exhibited between the cotemporaneous scenes of Ghent and of Fort Jackson: what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States demand, The United States demand—is repeated five or six times. And what did the preamble itself disclose? That two thirds of the Creek nation had been hostile, and one third only friendly to us. Now, I have heard, (*I cannot vouch for the truth of the statement,*) that not one hostile chief signed the treaty. I have also heard, that perhaps one or two of them had. If the treaty were really made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war, on the ratification of the treaty, and to restore to them their lands as they held them in 1811. I do not know how the honorable Senate, that body for which I entertain so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which I hope to see my country always exhibit, and par-

ticularly toward the miserable remnant of the aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, I fear, has been the main cause of the recent war. And if it has been, it only adds another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, serves but to whet and stimulate revenge, and to give to old hostilities, smothered, not extinguished by the pretended peace, greater exasperation and more ferocity. A truce thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to have granted him liberal conditions in the first instance. This treaty, I repeat it, was, I apprehend, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it is perhaps difficult to ascertain. There is, however, a paper on this subject, communicated at the last session by the President, that tells, in language pathetic and feeling, an artless tale—a paper that carries such internal evidence, at least, of the belief of the authors of it, that they were writing the truth, that I ask the favor of the committee to allow me to read it.

[Mr. Clay here read a letter from ten of the Seminole towns to the commanding officer at Fort Hawkins.]



I should be very unwilling to assert, in regard to this war, that the fault was on our side; but I fear it was. I have heard that very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounce it as his opinion, that the Indians were not in fault. I am far from attributing to general Jackson any other than the very slight degree of blame which attaches to him as the negotiator of the treaty of Fort Jackson, and which must be shared by those who subsequently ratified and sanctioned that treaty. But if there were even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt would serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. I know, that when general Jackson was summoned to the field, it was too late to hesitate—the fatal blow had been struck in the destruction of Fowltown, and the dreadful massacre of lieutenant Scott and his detachment; and the only duty which remained to him was to terminate this unhappy contest.

The first circumstance, which, in the course of his performing that duty, fixes our attention, fills me with regret. It is the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No, but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore, and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang

or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But, I regard the occurrence with grief for other and higher considerations. It is the first instance that I know of, in the annals of our country, in which retaliation, by executing Indian captives, has ever been deliberately practised. There may have been exceptions, but if there were, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping-knife—about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But I love my country, and its constitution; I love liberty and safety, and fear military despotism more even than I hate these monsters. The gentleman, in the course of his remarks, alluded to the state from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that state, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and clemency towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land between the natives and the present inhabitants, I defy the gentleman to point out one instance in which a Kentuckian has stained his hand by—nothing but my high sense of the distinguished services and exalted merits of general Jackson prevents my using a different term—the execution of an unarmed and prostrate captive. Yes, there is one solitary exception, in which a man, enraged at beholding an Indian prisoner, who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has

been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country; and unless I am utterly deceived, it may be shown, that it does not exist. But before I attempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, colonel Campbell, under the command of my honorable friend from Ohio, (general Harrison,) was placed at the head of a detachment consisting chiefly, I believe, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is evidence of the manner in which they treated them. (Here Mr. Clay read the general orders issued on the return of the detachment, from which it appeared, that not only the lives of the women and children were preserved, but also of all the warriors who ceased to resist; and that, even when vigorously attacked by the enemy, this heroic band respected the lives of their prisoners.) I hope, sir, the honorable gentleman will be now able better to appreciate the character and conduct of my gallant countrymen than he appears hitherto to have done.

But, sir, I have said that you have no right to practise, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage co-eval and co-existent with the subject to which it relates, becomes its fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practised by

them towards us, we are morally bound by this invariable usage, and cannot lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non-combatants. I know of but one deviation from the code which regulates the warfare between civilized communities, and that is the destruction of Indian towns, which is supposed to be authorized upon the ground that we cannot bring the war to a termination but by destroying the means which nourish it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they were comparatively strong—when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky mountains, and overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the Mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a de-

parture from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of Christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practised toward the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce effect in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it, by every consideration of humanity and of justice. Will it, then, produce effect on the Indian tribes? No—they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive, to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of the son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words—

Begin, ye tormentors! your threats are in vain :  
The son of Alknomak will never complain.

Retaliation of Indian excesses, not producing then any effect in preventing their repetition, is condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as I shall possibly again allude to it, I will pass from it, for the present, to another topic.

It is not necessary, for the purpose of my argument, in regard to the trial and execution of Arbuthnot and

Ambrister, to insist on the innocency of either of them. I will yield, for the sake of that argument, without inquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It is possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade; and that he sought to ingratiate himself with his customers, by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy, if not unjust fate. The first impression, made on the examination of the proceedings in the trial and execution of those two men, is, that on the part of Ambrister, there was the most guilt, but at the same time, the most irregularity. Conceding the point of the guilt of both, with the qualification which I have stated, I will proceed to inquire, first, if their execution can be justified upon the principles assumed by general Jackson himself. If they do not afford a justification, I will next inquire if there are any other principles authorizing their execution; and I will, in the third place, make some observations upon the mode of proceeding.

The principle, assumed by general Jackson, which may be found in his general orders commanding the execution of these men, is, "that it is an established principle of the law of nations, that any individual of a nation, making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous, when applied to

such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over, to the civil authority. But the principle is totally incorrect, when applied to men in their situation. A foreigner connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbutnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions are so obviously correct, that I should consider it an abuse of the patience of the committee to consume time in their proof. They are supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, express or implied, of this House. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? according to the principle of general Jackson, they would be outlaws and pirates, and liable to immediate execution. Are gentlemen prepared to return to their respective districts with this doctrine in their mouths, and say to their Irish, English, Scotch and other foreign constituents, that you are liable, on

the contingency supposed, to be treated as outlaws and pirates?

Is there any other principle which justifies the proceeding? On this subject, if I admire the wonderful ingenuity with which gentlemen seek a colorable pretext for these executions, I am at the same time shocked at some of the principles advanced. What said the honorable gentleman from Massachusetts, (Mr. Holmes,) in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing a right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world, will he find any sanction for a principle so monstrous? I will illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned and executed for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to ensure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles, which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities, be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and



to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It becomes gentlemen, then; on the other side, to show, by some known, certain and recognized rule of public or municipal law, that the execution of these men is justified. Where is it? I should be glad to see it. We are told in a paper, emanating from the department of state, recently laid before this House, distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts, has supplied us in part with a second edition, in one respect agreeing with the prototype, that they both ought to be inscribed to the American public; we are justly told in that paper, that this is the first instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement—of coveting other people's goods. The other is the treatment which we extend to the Indians. Against both these charges, the public servants, who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and I hope with some degree of success. What will be the condition of future American negotiators, when pressed upon this head, I know not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed on yesterday to read, with a sort of triumph, the names of the commissioners employed in the negotiation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency and with a more gracious smile, the first named in the commission, than he emphasized that of the humble individual

who addresses you. [Mr. Holmes desired to explain. Mr. Clay said there was no occasion for explanation; he was perfectly satisfied. Mr. Holmes, however, proceeded to say, that his intention was, in pronouncing the gentleman's name, to add to the respect, due to the negotiator, that which was due to the Speaker of this House.] To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It is a new one; there are no landmarks to guide us in its adoption; or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him, on the ground of his having notoriously instigated the continental powers to war against France. Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive, "you! miscreant, monster, have occasioned all these scenes of devastation and blood?" What has been the conduct even of England towards the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, is a great blot on the English name. And I repeat what I have before said, that if Chatham or Fox, or even William Pitt himself, had been prime minister, in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, Eng-

land would not, execute him, upon the ground of his being an instigator of wars.

The mode of the trial and sentencing these men is equally objectionable with the principles on which it has been attempted to prove a forfeiture of their lives. I know the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. I wish most sincerely that I could reconcile them to my conscience. It has been attempted to vindicate the general upon grounds which I am persuaded he would himself disown. It has been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might have at once ordered their execution, without that formality. I deny that there is any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that Congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It is in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely lay down the principle or rule; it belongs to the government to constitute the tribunal for applying that principle or rule. There is, for example, no instance in which the death of a captive is more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature has not left the power over spies undefined, to the mere discretion of the commander-in-chief, or of any subaltern officer in the army. For, if the doctrines now contended for are true, they will apply to the commander of any corps, however small, acting as a detachment. Suppose Congress had not legislated in the case of spies, what would have been their condi-

tion? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed because Congress had assigned no tribunal for enforcing that public law. No man can be executed in this free country without two things being shown: first, that the law condemns him to death; and second, that his death is pronounced by that tribunal which is authorized by the law to try him. These principles would reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he cannot be lawfully punished with death, without the concurrence of the two circumstances just insisted upon. I deny that any commander-in-chief, in this country, has this absolute power of life and death, at his sole discretion. It is contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge, and execute the rule only, is utterly irreconcilable with every principle of free government, and is the very definition of tyranny itself; and I trust that this House will never give even a tacit assent to such a principle. Suppose the commander had made even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, will gentlemen tell me, over the lives of human beings, than over property? The assertion of such a power to the commander-in-chief, is contrary to the practice of the government. By an act of Congress, which passed in 1799, vesting the power of retaliation, in certain cases, in the President of the United States—an act which passed during the *quasi* war with France, the President is authorized to retaliate upon any of the citizens of the French republic, the enormities which may be practised, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with

stretching the constitution to enlarge the executive powers. Even during the mad career of Mr. Adams, when every means were resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. I will not trouble the House with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional President, the father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British in certain instances. It is not only contrary to the genius of our institutions, and to the uniform practice of the government, but it is contrary to the obvious principles on which the general himself proceeded; for, in forming the court, he evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that, which is detailed in the present instance. The court proceeded, not by a bare plurality, but by a majority of two thirds. In the general orders issued from the adjutant general's office, at head quarters, it is described as a court martial. The prisoners are said, in those orders, to have been tried "on the following charges and specifications." The court understood itself to be acting as a court martial. It was so organized—it so proceeded, having a judge advocate, hearing witnesses, and the written defence of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows, that all parties considered it as a court martial, convened and acting under the rules and articles of war. In his letter to the secretary of war, noticing the transaction, the general says: "These individuals were tried under my orders, legally convicted as excitors of this savage and negro war, legally condemned and most justly punished for their iniquities." The Lord deliver us from such legal conviction, and such legal condemnations! The general

himself considered the laws of his country to have justified his proceedings. It is in vain, then, to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded, that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defence, he might have commanded their execution. Now, if an absolute sovereign, in any particular respect, promulgates a rule which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If general Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it is with grief and pain I am compelled to say, that he was executed in defiance of all law; in defiance of the law to which general Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. I know but little of military law, and what has happened has certainly not created in me a taste for acquiring a knowledge of more; but I believe there is no example on record, where the sentence of a court has been erased, and a sentence not pronounced by it carried into execution. It has been suggested that the court pronounced two sentences, and that the general had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of the commander, and the execution of the prisoner ordered. He either had or had not a right to decide upon the fate of that man, without the intervention of a court. If he had the right, he waived it, and, having violated the sentence of the court, there was brought upon the judicial administration of the

army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed, without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries, but I will not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated by the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example will often be felt when its authors and all the circumstances connected with it, are no longer remembered. I know of but one analogous instance of the execution of a prisoner, and that has brought more odium, than almost any other incident, on the unhappy emperor of France. I allude to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte despatched a corps of *gens d'armes* to the place of his retreat, seized him and brought him to the dungeons of Vincennes. He was there tried by a court martial, condemned and shot. There, as here, was a violation of neutral territory; there the neutral ground was not stained with the blood of him whom it should have protected. And there was another most unfortunate difference for the American example. The duke D'Enghein, was executed according to his sentence. It is said by the defenders of Napoleon, that the duke had been machinating not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France, have been legally executed. Such was the odium brought upon the instruments of

this transaction, that those persons, who have been even suspected of participation in it, have sought to vindicate themselves, from what they appear to have considered as an aspersion, before foreign courts. In conclusion of this part of the subject, I most cheerfully and entirely acquit general Jackson of any intention to violate the laws of the country, or the obligations of humanity. I am persuaded, from all that I have heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, I am disposed to allow it in the most extensive degree. Of his acts, it is my duty to speak with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution of the United States, not one is more expressly and exclusively granted than that which gives to Congress the power to declare war. The immortal convention who formed that instrument had abundant reason, drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen that nations are often precipitated into ruinous war from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the union, we should be safe from the mad wars that have afflicted and desolated and ruined other countries. It was supposed that before any war was declared, the nature of the injury complained of would be carefully examined, the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness, which has been manifested in Florida, that the constitution was so framed. If then this power. thus cautiously and clearly bestowed



upon Congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it becomes this body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely yield a tame and silent acquiescence in the encroachment, but even pass a vote of thanks to the author.

On the twenty-fifth of March, 1818, the President of the United States, communicated a message to Congress in relation to the Seminole war, in which he declared that, although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The President, by the documents accompanying the message, the orders themselves which issued from the department of war to the commanding general, had assured the legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet, on the same twenty-fifth day of March, (a most singular concurrence of dates,) when the representatives of the people receive this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does general Jackson write from his head quarters, that he shall take St. Marks as a necessary depot for his military operations! The general states, in his letter, what he has heard about the threat on the part of the Indians and Negroes, to occupy the fort, and declares his purpose to possess himself of it in either of the two contingencies, of its being in their hands or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, be-

longing to Congress alone, of determining what should be the effect, and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever the just confidence of the legislative body, in the assurances of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. I have always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks must have been empty, and would probably have been impracticable. At all events, when general Jackson arrived there, no danger any longer threatened the Spaniards from the miserable fugitive Indians, who fled on all sides upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the conveniency of the depot and the Indian threat. The first I will not seriously examine and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact, and the bare possibility of its being forcibly taken by the Indians could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark at Copenhagen. And I lament to be obliged to notice the analogy which exists in the defences made of the two cases. If my recollection does not deceive me, Bonaparte had passed

the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec and Hamburg, and extended his empire as far as Altona on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen and into the island of Zealand. What then was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. "We knew, (said he,) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized." Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She perhaps was struggling for her existence. She was combating, single-handed, the most enormous military power that the world has ever known. Who were we contending with? With a few half starved, half clothed, wretched Indians and fugitive slaves. And whilst carrying on this inglorious war—inglorious as it regards the laurels or renown won in it—we violate neutral rights, which the government had solemnly pledged itself to respect, upon the

principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves!

On the 8th of April, the general writes from St. Marks, that he shall march for the Suwaney river; the destroying of the establishments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the 20th of April, that he believes he may say the war is at an end for the present. He repeats the same opinion in his letter to the secretary of war, written six days after. The war being thus ended, it might have been hoped that no further hostilities would have been committed. But on the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine this proceeding of the governor, so very hostile and affrontive in the view of general Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that general Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the President's message of the 25th of March, and reminded general Jackson of it, to satisfy him that the American government could not have authorized all those measures. I cannot read the allusion made by the governor to that message, without feeling that the charge of insincerity, which it implies, has at least but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American governor. General Jackson says, that when he received that letter, he no longer hesitated. No, sir, he did no longer hesitate! He received it on

the 23d, he was in Pensacola on the 24th, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude. Alas! that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate! It was impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised and unauthorized hostility.

The honorable gentleman from Massachusetts has endeavored to derive some authority to general Jackson from the message of the President, and the letter of the secretary of war to governor Bibb. The message declares that the Spanish authorities are to be respected wherever maintained. What the President means by their being maintained, is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. The letter to governor Bibb admits of a similar explanation. When the secretary says, in that letter, that general Jackson is fully empowered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that general Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. I will take a momentary glance at the orders. On the 2d of December, 1817, general Gaines was forbidden to cross the Florida line. Seven days after, the secretary of war, having arrived here, and infused a little more energy into our councils, he was authorized to use a sound discretion in crossing it or not. On the 16th, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, if he took refuge under a Spanish fortress, the fact was to be reported to the department of war. These orders were transmitted to general Jack-

son, and constituted, or ought to have constituted, his guide. There is then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the President, the letter to governor Bibb, or in the orders themselves. The gentleman from Massachusetts will pardon me for saying that he has undertaken what even his talents are not competent to—the maintenance of directly contradictory propositions, that it was right in general Jackson to take Pensacola, and wrong in the President to keep it. The gentleman has made a greater mistake than he supposes general Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the President and general Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the President immediately to surrender it. We, sir, are the supporters of the President. We regret that we cannot support general Jackson also. The gentleman's liberality is more comprehensive than ours. I approve, with all my heart, of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the President thought the seizure of the Spanish posts was an act of war, is manifest from his opening message; in which he says that, to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent, Congress alone possessing it. The President has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And I defy the gentleman to make good both his positions, that the general was right in taking, and the President right in giving up the posts. [Mr. Holmes explained. We took these posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, here is your dagger; we found it in the

hands of our enemy, and having wrested it from him, we restore it to you in the hope that you will take better care of it for the future. Mr. Clay proceeded.] The gentleman from Massachusetts is truly unfortunate; fact or principle is always against him: The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman is in a dilemma, from which there is no escape. He gives up general Jackson when he supports the President; and gives up the President when he supports general Jackson. I rejoice to have seen the President manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was ringing with plaudits for its capture, I said, and I said alone, in the limited circle in which I moved, that the President must surrender it; that he could not hold it. It is not my intention to inquire whether the army was or was not constitutionally marched into Florida. It is not a clear question, and I am inclined to think that the express authority of Congress ought to have been asked. The gentleman from Massachusetts will allow me to refer to a part of the correspondence at Ghent different from that which he has quoted. He will find the condition of the Indians there accurately defined. And it is widely variant from the gentleman's ideas on this subject. The Indians, according to the statement of the American commissioners at Ghent, inhabiting the United States, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right

to sell their lands but to the government of the United States. Foreign powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposes. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore, regarded as the sovereign of Florida, and we are accordingly treating with her for the purchase of it. In strictness, then, we ought first to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the President had the power to march an army into Florida without consulting Spain, and without the authority of Congress, he had no power to authorize any act of hostility against her. If the gentleman had even succeeded in showing that an authority was conveyed by the executive to general Jackson to take the Spanish posts, he would only have established, that unconstitutional orders had been given, and thereby transferred the disapprobation from the military officer to the executive. But no such orders were, in truth, given. The President acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass, without a solemn expression of the disapprobation of this House. Recall to your recollection the free nations which have gone before us? Where are they now?

Gone glimmering through the dream of things that were,  
A school-boy's tale, the wonder of an hour.



And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian, if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country? The confident and indignant Grecian would exclaim, no! no! we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece has fallen, Cæsar has passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated Madame de Stael, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and, dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that general Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank Him still more that he could not, if he would, overturn the liberties of the republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an indi-

vidual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders, when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is destined to be perpetual. But if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest, portion of it is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our country. Do you expect to execute this high trust by trampling, or suffering to be trampled down law, justice, the constitution, and the rights of other people? By exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of amicable negotiation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how

those admirers were astounded and hung their heads. You saw too, when that illustrious man, who presides over us, adopted his pacific, moderate and just course, how they once more lifted up their heads, with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction in this infant period of our republic, scarcely yet two score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and, that if we would escape the rock on which they split we must avoid their errors.

How different has been the treatment of general Jackson and that modest but heroic young man, a native of one of the smallest states in the union, who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion he forgot himself and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and Congress took up the subject. My honorable friend from Virginia, (Mr. Johnson,) the faithful and consistent sentinel of the law and of the constitution, disapproved, in that instance as he does in this, and moved an inquiry. The public mind remained agitated and unappeased until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the President for not ordering a court of inquiry or a general court martial. Perhaps, impelled by a sense of

gratitude, he determined by anticipation to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination—a triumph of the military over the civil authority—a triumph over the powers of this House—a triumph over the constitution of the land. And I pray most devoutly to heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

## SPEECH OF GEORGE POINDEXTER,

### ON THE SEMINOLE WAR,

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES, FEBRUARY 1, 1819.\*

I rise, Mr. Chairman, under the influence of peculiar sensibility, to offer my sentiments on the subject before the committee. We are called upon to disrobe a veteran soldier of the well earned laurels which encircle his brow, to tarnish his fame by severe reproaches, and hand down his name to posterity, as the violator of the sacred instrument which constitutes the charter of our liberties, and of the benevolent dictates of humanity, by which this nation has ever been characterized and distinguished. Were the sacrifice of this highly meritorious citizen the only evil with which the proposed resolutions are fraught, I should derive some consolation from the reflection, that there is a redeeming spirit in the intelligence and patriotism of the great body of the people, capable of shielding him against the deleterious consequences meditated by the propositions on your table. But there is another, and a more serious aspect, in which the adoption of these resolutions must be viewed; the direct and infallible tendency which they involve, of enfeebling the arm of this government, in our pending negotiation with Spain; of putting ourselves in the wrong, and the Spanish monarch in the right, on the interesting and delicate points which have so long agitated and endangered the peace of the two countries. I wish not to be understood as attributing to honorable gentlemen, who advocate the measure, such motives: they are, doubt-

\* See page 93.

less, actuated alone by a sense of duty. I speak of the effects which our proceedings are calculated to produce, without intending to cast the slightest imputation on those who entertain different opinions. Sir, do we not know with what delight and satisfaction the minister of Spain looks on the efforts which are made on this floor to inculcate the executive of the United States, for having committed against his immaculate master an act of hostility, in the entrance into Florida, and the temporary occupation of St. Marks and Pensacola? With what avidity and pleasure he peruses the able and eloquent arguments delivered in the popular branch of the government, in support of the weighty allegations, which he has already exhibited, of the hostile and unwarrantable conduct of the commander of our army, during the late campaign against the Seminole Indians? And, sir, whatever may be the purity of intention, which I shall not presume to question, on the part of gentlemen who censure the course pursued by the commanding general, this debate will afford a valuable fund, on which Spain will not fail to draw on all future occasions, to show that the pacific relations which she has endeavored to maintain have been violated, without an adequate cause, by the United States. Shall we put it in her power to make this declaration to the civilized world, and establish the fact by a reference to the journal of the House of Representatives? I hope and believe we shall not. Sir, the nature of our free institutions imperiously requires that, on all questions touching controversies with foreign powers, every department of this government should act in concert, and present to the opposite party one undivided, impenetrable front. The observance of this rule, accords with every dictate of patriotism; and is the basis on which alone we can preserve a proper respect for our rights among the great family of nations. Internal divisions are often fatal to the liberties of the people; they never fail to inflict a deep wound on the national character; the lustre and purity

of which it is our primary duty to preserve unsullied to the latest posterity.

Can it be necessary to call to the recollection of the committee the peculiar and delicate posture of our relations with Spain? A protracted and difficult negotiation, on the subject of boundary and spoliations, is still progressing between the Secretary of State and their accredited minister, at this place; the result is yet extremely doubtful; it may, and I trust will, eventually in a treaty satisfactory to the parties, on all the points in contest; but, if Spain should continue to reject the moderate and reasonable demands of this government, the indisputable rights of this nation must and will be asserted and vindicated by a solemn appeal to arms. I ask, if, in such a crisis, it is either wise or prudent to pronounce, in the face of the world, that we have been the aggressors, and that war in its most offensive and exceptionable sense has been already commenced by general Jackson, under the sanction of the President of the United States? I hazard nothing in affirming that such a departure from the established usages of nations is without a parallel in the political history of any country, ancient or modern. Under whatever circumstances danger may threaten us from abroad, it is from this House that the energies of the people are to be aroused and put in motion; it is our province to sound the alarm, and give the impulse which stimulates every portion of the union to a simultaneous and manly exertion of its physical strength, to avenge the insulted honor and violated interests of our country. We are the legitimate organ of public sentiment; and it is incumbent on us to animate and cherish a spirit of resistance to foreign encroachments among our constituents, by urging the justice of our cause, and the necessity of their vigorous co-operation in support of the constituted authorities, who are responsible to them, for the faithful execution of the high and important duties with which they are entrusted. These are the means by which

we shall perpetuate our republican form of government, and transmit its blessings to future generations. But we are required, on the present occasion, to forget the wrongs of which we have so long and so justly complained; to abandon, for a while, the lofty attitude of patriotism, and to tell the American people, in anticipation of a rupture with Spain, that it is a war of aggression on the part of their chief executive magistrate, commenced in Florida without proper authority; that the Spanish government can consider it in no other light, than premeditated, offensive war, made on them with a view of extending the territorial limits of the United States. The expression of these opinions, by this body, must cast a shade over the American name, which no lapse of time can obliterate; and, while we nerve the arm of the enemy, we shall approach the contest with an open denunciation against the President, who is charged with its prosecution to a speedy and favorable termination. He is denied the cheering consolation of union in the government over which he has been called to preside, at a period of national peril, when every man ought to be invited to rally around the standard of his country. Sir, how is this most novel and extraordinary aberration from the legislative functions of the House attempted to be explained and justified? By gloomy pictures of a violated constitution; pathetic appeals to humanity, in favor of a barbarous and unrelenting foe; and lamentations over the blighted honor and magnanimity of the nation. I, too, am a conservator of the constitution; I venerate that stupendous fabric of human wisdom; I love my country, and will endeavor to rescue it from the odious imputations, which have been so freely cast on it in the progress of this discussion. I admonish gentlemen, who manifest such ardent zeal to fortify the powers of this House against military usurpations, that they do not suffer that zeal to precipitate them into an error equally repugnant to a sound construction of the constitution. The report of



the committee on military affairs, taken in connexion with the amendments proposed by the honorable member from Georgia, (Mr. Cobb,) may be classed under two general divisions. 1st. Resolutions of censure; on the conduct of general Jackson, in Florida, for a violation of the orders of the President, and of the constitution; and for the unlawful execution of the incendiaries Arbutnot and Ambrister. 2d. Instructions to the committee to prepare and report two several bills, the object of which is to divest this nation of some of the most essential attributes of sovereignty. I shall pass over the latter branch of this subject without observation; believing, as I do, notwithstanding the high respect which I entertain for the mover, that it is not seriously the intention of honorable gentlemen, by an act of legislation, to abrogate the rights of this nation, founded on the universal law of nature, and of nations. Self-denial, though sometimes an amiable quality in an individual member of society, when applied to the whole community, renders it obnoxious to insult and oppression, and is a voluntary degradation, below the rank of other sovereignties; to which no American ought ever to submit. Neutral rights, and the usages of war, are already well established and understood by all civilized powers; and it is not to be presumed that the interpolations, which are proposed, would be reciprocated, and constitute the basis of new principles of public law; we may prostrate our own dignity, and paralyze the energies of our country; but we shall find no nation so pusillanimous as to follow our disinterested example. Considering, therefore, these propositions, as merely nominal, intended only to enlarge the group, and give diversity to the picture, I shall leave them without further animadversion, and proceed to investigate the resolutions levelled at the fame, the honor and reputation, of general Andrew Jackson; and, through him, at the President, under whose orders he acted, and by whom he has been sustained and vindicated. Sir. I

hold it to be the indispensable duty of every tribunal, whether legislative or judicial, to examine, with caution and circumspection, into its jurisdiction and powers, on every question brought before it for adjudication; and this rule ought more particularly to be observed in cases involving personal rights and interests, where the party to be affected by the decision is not permitted to answer in his own defence. I ask, then, sir, has the House of Representatives, as a distinct and separate branch of Congress, the constitutional power to institute an inquiry into the conduct of a military officer, and to sentence him to be cashiered, suspended or censured? I demand a satisfactory and explicit response to this interrogatory, founded on a reference to the constitution itself, and not on the undefined notions of expediency, in which gentlemen may indulge; and if it be not given, as I am very sure it cannot, we shall become the violators of that fair fabric of liberty, and erect a precedent more dangerous in its tendency, than the multiplied infractions which have been so vehemently alleged against general Jackson, admitting them all the force and latitude, which the most enthusiastic censor could desire. Sir, it is high time to bring back this debate to first principles, and to test our jurisdiction over this case, by a recurrence to the structure of the government of which we are a component part. Let us pluck the beam from our own eyes, before we seek to expel the mote which gentlemen seem to have discovered in the vision of general Jackson. The sages and patriots, who established the foundation of this republic, have, with a wisdom and forecast bordering on inspiration, carefully marked and distributed the powers delegated in the constitution to the federal government among the several departments, legislative, executive and judiciary. No principle is better settled, or more generally conceded, than that the powers properly belonging to one of these departments ought not to be directly administered by either of the others. The violation of this

maxim leads, by inevitable results, to the downfall of our republican institutions, and the consolidation of all power in that branch which shall possess the strongest influence over the public mind. Upon the independent exercise of the powers confided to each department, uncontrolled, directly or indirectly, by the encroachments of either, depends the security of life, liberty and property, and the stability of that constitution which is the pride of our country and the admiration of mankind. The honorable gentleman from Georgia has adverted to the opinions of the immortal author of the letters of Publius, the late chief magistrate of the United States; and the honorable Speaker has also invited our attention to that great constitutional lawyer. They triumphantly ask, what he would say on the present question, were he a member of this House? I will not follow the example of these gentlemen, by substituting declamation for historical truth, or vague surmises, and assumed premises, for recorded evidence; but, while I accord to the distinguished statesman and patriot, whose exertions so eminently contributed to the establishment of this government, and whose exposition of its fundamental principles cannot be too highly appreciated, all the merit of a useful life, devoted to the public service, guided by wisdom, virtue and integrity; I appeal, with pleasure and confidence, to his able pen, in support of the position which I have advanced, and which I deem an important point in the case under consideration. In the view taken by Mr. Madison, of the 'meaning of the maxim which requires a separation of the departments of power,' he repels the arguments of the opponents to the adoption of the constitution, founded on the apprehension of executive supremacy over the legislative and judiciary, which it was contended, would ultimately render that branch the sole depository of power, and subject the people of this country to the despotic will of a single individual. Comparing the powers delegated to the executive, with those granted to the legisla-

ture, and the probable danger of an assumption by either of the functions appertaining to the other, he says, 'in a government where numerous and extensive prerogatives are placed in the hands of a hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favorable emergency, to start up in the same quarter. But, in a representative republic, where the executive magistracy is carefully limited, both in the extent and duration of its power, and where the legislative power is exercised by an assembly, which is inspired, by a supposed influence over the people, with an intrepid confidence in its own strength, which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions, by means which reason prescribes; it is against the enterprising ambition of this department, that the people ought to indulge all their jealousy, and exhaust all their precautions.

'The legislative department derives a superiority in our government from other circumstances. Its constitutional powers being at once more extensive, and less susceptible of precise limits, it can, with the greater facility, mask, under complicated and indirect measures, the encroachments which it makes on the co-ordinate departments.' The correctness of the reasoning and predictions of this great and good man, who is called by the honorable Speaker the father of the constitution, has been often demonstrated in the practical operations of this body, and never more forcibly than on the present occasion. Scarcely a session of Congress passes without some effort to enlarge

the scope of our powers, by construction or analogy; and unless these systematic advances in this House, to crush the co-ordinate departments, by an unlimited exercise of authority over all subjects involving the general welfare, be resisted with firmness and perseverance, they will, at no distant period, eventuate in the destruction of those salutary checks and balances, so essential to the duration of our happy form of government, and to the security of civil and political liberty. I deprecate every measure calculated to establish a precedent, which, in its effects, may lead to such dangerous consequences. An enlightened statesman has said, that the concentrating all the powers of government in the legislative body is of the very essence of despotism; and it is no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 'An elective despotism was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among the several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others.'

Sir, whenever these principles shall cease to be respected by the councils of this country, I shall consider the grand experiment which we have made in the administration of a government of limited powers, founded on a written instrument, in which they are specified and defined, as altogether abortive, and as affording strong proof of the regal maxim, that man is incapable of self-government. If honorable gentlemen mean any thing by the reverence which they profess to feel for the constitution, I conjure them to look to its provisions, and forbear to adopt a measure in direct violation both of its letter and spirit. By article second, section second, it is provided that "The President shall be commander-in-chief of the army and navy of the United States, and of the militia of

the several states, when called into actual service ;" and by the eighth section of the first article, Congress is vested with power to "make rules for the government and regulation of the land and naval forces." Congress has long since fulfilled this duty : rules and articles of war have been sanctioned, and have continued to govern the army, from its organization, up to the present time ; in these, the great principles of subordination and responsibility are graduated and established, from the commander-in-chief down to the most petty officer and common soldier. The President is placed by his country at the head of its physical force, "to execute the laws of the union, suppress insurrection, and repel invasion ;" he is the ultimate tribunal to decide all questions touching the operations of the army, and the conduct of the officers who compose it. If there be any power, clearly and exclusively belonging to the executive, it is that which appertains to the government of the army and navy of the United States. Our whole system of laws recognizes it ; and until this extraordinary attempt to erect the House of Representatives into a court martial, with a view to cast an indelible stain on the character of general Jackson, without a fair and impartial trial, in which he might confront his accusers, and be heard in his defence, no instance can be shown, since the foundation of the government, where the President has been interrupted in the full exercise of his legitimate authority over the military officers under his command. The abuse of this power, or the improper direction and application of the public force, by the chief magistrate, or by any subordinate officer, with his privity and assent, in a manner, or for the accomplishment of objects dangerous to the liberties of the people, or subversive of the laws and constitution of the union, will find a ready and suitable corrective in this House, by an application of its power to originate impeachment against the President, vice-president, and all civil officers, for treason, bribery, or other high

crimes and misdemeanors. In this sense only can we be regarded as the grand inquest of the nation, and not to the unlimited extent for which gentlemen have contended. The power to impeach the President is expressly delegated; all other civil officers are liable to the same scrutiny, and the total omission, in the article of the military department, is, to my mind, conclusive evidence that they were never intended to be subject to the control of Congress, except in the usual course of legislation, under the power to raise and support armies. And this opinion is strengthened by the clause of the constitution to which I have referred, directing Congress to provide for the government and regulation of the land and naval forces. The principle of official responsibility is to be found in every page of the constitution; not a vague, uncertain responsibility, but that which is unequivocal, certain and definite. We are answerable, at stated periods, to the people by whom we have respectively been chosen. The President is accountable to the nation at large, at the expiration of his term of service; and, in the mean time, we hold a salutary check over his ambition, if he evince such a disposition, by means of impeachment. In like manner, the whole civil department may be punished for a wanton prostitution of their official functions. The military and naval officers who command our army and navy are responsible directly to the executive, who is their chief, and, through him, indirectly, to the representatives of the people. Every link in the chain is essential to the beauty and symmetry of the whole; and, if preserved unbroken, affords the most ample security against any usurpation of power without a prompt and efficient remedy to detect and restrain it. It is now proposed to make this House the focus of every power granted to the federal government; to mount the ramps which separate the departments, and compel every man who holds a commission to bow with submission to the gigantic strength of this numerous assembly.

Those whom we cannot impeach we will censure, and record their names as fit objects for the scorn and detestation of posterity. Already we hold the purse and the sword of the nation. All legislation must receive our concurrence, in connexion with the President and senate, before it has the force and effect of law. The treaty-making power may be controlled by us, where an appropriation is required to fulfil the contract—the judiciary is at our feet, both in respect to the extent of its jurisdiction and the liability of its members to the summary process of impeachment—the President and heads of department, foreign ministers, and the whole catalogue of civil officers, stand in awe of our frowns, and may be crushed by the weight of our authority. I ask, then, sir, if the officers of the army and navy are rendered subservient to us, as a censorial, inquisitorial body, whether it will not amount to the “very definition of despotism.” Yes, sir, we shall, if these resolutions pass, bear testimony of the soundness of the political axiom, that it is “against this department that the people ought to indulge all their jealousy, and exhaust all their precautions.” But the constitution, in this respect, has received a construction almost contemporaneously with its adoption.

[Mr. Poindexter here gave a sketch of the proceedings in Congress in 1792, relative to the defeat of the army under major-general St. Clair; and also of the measures pursued with respect to general James Wilkinson, in 1810, and drew an inference; that these resolutions ought to be rejected as well on the ground of precedent as of principle.]

Permit me, sir, to present to the view of the committee some of the unavoidable consequences which will flow from this premature and unauthorized proceeding. We announce to the President, and to the nation, that general Jackson, in the prosecution of the Seminole war, has violated his orders and broken the constitution of his country; and that, in the trial and execution of Arbuthnot and Ambrister, he has been



guilty of the horrid crime of official murder. We, on the part of the whole people, become the informers, and thereby impose on the President, as commander-in-chief of the army, the indispensable obligation to adopt one of two alternatives—either to dismiss from the service that officer, under our denunciations, or to assemble a regular court martial to investigate these charges, according to the forms prescribed in the laws enacted for the government of the army of the United States. The latter course, being the one best adapted to the attainment of justice, would, in all probability, be pursued. He details a court martial, composed of high-minded military men; charges and specifications are exhibited; and the general, for the first time, is allowed to answer to them—guilty or not guilty. He is put on his trial, and, at the very threshold, he is informed, that he has already been found guilty by the highest tribunal in the union—the representatives of the American people. He, nevertheless, proceeds in his defence, and is ultimately convicted, and cashiered. Would not history record such a conviction as the result of our prejudication of the case? Would not the whole world attribute the downfall of this man to the monstrous persecution and flagrant injustice of that ungrateful country which he had so nobly defended? Yes, sir, to the latest posterity, we should be regarded as having passed an *ex parte* decree of condemnation, which the court martial were bound to register, to secure themselves from similar animadversion. But let us suppose, that, unawed by the imposing *dictum* which we shall have pronounced, the court martial acquit the general of the several charges and specifications on which he has been arrested. We should then have the military of the country arrayed against this body: we, acting under the solemn obligation of our oaths, declare, that general Jackson has been guilty of high crimes and misdemeanors; we are unable to tear from him his epaulettes; and, when tried by his peers, our opinions are scouted, and he is

maintained in the high rank from which we would have degraded him. In such a controversy, the only arbiter is force. Sir, take either horn of the dilemma, and we have abundant reason to shun the consequences which must follow the adoption of the proposed resolutions.

Our total inability to enforce the will of the majority, demonstrates most clearly the absence of the right to express that will; for, whatever any branch of the government can constitutionally decide, the means necessary to carry its decision into execution can never be withheld or questioned. Sir, I have been not a little amused at the evasive contortions of honorable gentlemen, who, to avoid the perplexing difficulties by which they are enveloped, gravely affirm, that neither the report of the military committee, nor the resolutions respecting the seizure of the posts of St. Marks and Pensacola, and the fortress of Barancas, contain a censure of general Jackson; that they are harmless, inoffensive expressions of opinion, upon the passing events relating to the state of the union. I put it to those gentlemen, (for the argument has been resorted to by all who have spoken,) whether, if I were to address either of them in conversation, and say, in the language of the propositions before the committee, "sir, you have violated the constitution of the United States, and, of course, you are perjured: you have sentenced to death, and executed two of your fellow-men, without a fair trial, and contrary to all law, human and divine; consequently, your hands are stained with their blood:" would they calmly reply, that my expressions conveyed no censure on them, and were not repugnant to their feelings or character, nor inconsistent with contemporaneous assurances of my high respect and consideration? Common sense revolts at conclusions so ridiculous, drawn from such premises. Add to this the express charge of a violation of orders, which the President, it seems, is not competent to determine for himself, and I may venture to defy any gentleman to

cover a military officer with more odious epithets, or more vindictive censure. No man, however elevated his station, can withstand the overwhelming force of such an assault on his reputation, coming from this august body, after mature and solemn deliberation. The exalted mind of general Jackson would prefer even death to this fatal blow, aimed at that which is more dear to him than life—his well earned fame and irreproachable honor. Sir, the immortal Washington was charged with a violation of the constitution, in drawing money from the treasury to pay the militia who served in the campaign against the insurgents in 1794, without an appropriation made by law; but at that day the secret of our power to censure had not been discovered, and the transaction passed without animadversion. It has remained for us to put in motion this new engine of inquisitorial crimination, and to wield it against a man whose arm was never extended but in defending the liberty and safety of his country against the complicated enemies by whom it has been assailed, and whose pure and unblemished patriotism, combined with his invincible valor, fortitude and perseverance, have shed over his brow a resplendent ray of glory which neither clouds nor tempests can obscure, so long as virtue shall predominate over the envious and malignant passions of the human heart. Yes, sir! we are importuned to execrate the bloody deeds of the Seminole war, to chaunt requiems over the tombs of Arbuthnot and Ambrister, and to mourn over the wreck of our fallen constitution; and, in an instant, as if by enchantment, the horrid picture vanishes from our affrighted imaginations; and eludes even the grasp of keen-eyed malice; and we hear the moral integrity and innocence of all these transactions announced from the same lips which utter their condemnation. The motives and intentions of general Jackson are eulogized and applauded by his most inveterate accusers. All the errors ascribed to him, and for which honorable gentlemen are prepared to immolate his character, and render his name, hitherto so dear to his countrymen,

odious and detestable, are attributed to the impetuous ardor of his zeal to promote the general good, and give peace and security to our defenceless frontier.

He fills a space in the public eye, and commands a portion of the affection and confidence of his fellow-citizens, too copious and extensive to be tolerated by the sharp-sighted politician, whose splendid eloquence fades and evaporates before the sunshine of renown, lighted up by the unparalleled achievements of the conqueror of the veterans of Wellington. These modern casuists endeavor to magnify an unintentional violation of the constitution into a crime of the blackest enormity, which can neither be extenuated nor forgiven. Are they willing to make this system of political ethics applicable to themselves, and to have their names specified on the journal as culprits at the bar of an offended people, stamped with infamy and disgrace, if at any time they have, with the best intentions, given a vote, which, on a review of the subject, was found to conflict with some provision of the constitution? What member of this House can say, with certainty, that he has, on all occasions, construed the constitution correctly? And who among us would be satisfied to stake all his hopes and prospects on the issue of an investigation, which, disregarding all respect for the purity of the motive, should seek only to discover an inadvertent error, resulting from a defect of judgment in the attainment of objects identified with the best interests of the nation? Sir, if I mistake not, the honorable Speaker, and several other gentlemen, who have manifested great solicitude, and displayed a torrent of eloquence to urge the expediency of passing the proposed censure on the conduct of general Jackson, and who unhesitatingly admit the innocence of his intentions, would be placed in an unpleasant situation, by the operation of the rule which they are anxious to prescribe in this case. A few short years past, these honorable gentlemen were the champions who resisted the renewal of the charter of the old bank of the Unit-

ed States. At that day they held the original act of incorporation to be a usurpation of power, not delegated to Congress by the constitution, and to their exertions we were indebted for the downfall of that institution. The same distinguished members, at a subsequent period, acting under the high obligations of duty, and the solemnity of their oaths to support the constitution of the United States, aided and assisted in establishing the mammoth bank, which now threatens to sweep with the besom of destruction every other monied institution in the nation into the gulf of ruin and bankruptcy. It will not be pretended that both these opposite opinions were correct; and yet I should be very sorry either to impugn the motives which actuated those gentlemen in the instances referred to, or to pass a censure on their conduct for an unintentional violation of the constitution, calculated to withdraw from them the confidence of their constituents. There was a time, Mr. Chairman, when the republican phalanx in every quarter of the union regarded the specification of powers in the constitution as the limitation of the grant, within which every department ought to be strictly confined. But at this day we are told, that this literal construction of the instrument is too narrow for the expanded views of an American statesman; mere "water-gruel," insipid to the palate, and requiring the addition of a little fuel to give it energy and action to conduct this nation to the high destinies which await it. No power can be called for by an existing exigency, or a favorite system of policy, which, according to the doctrines now advanced, may not be found necessary and proper to carry into effect some one of the specified powers in the constitution. The flexible character of man, and the frailty of human nature, afford an ample apology for these oscillations, and wretched indeed would be our situation if crime consisted in error, unaccompanied by the pre-existing will to perpetrate it. No man who respects his feelings or his character would accept a public trust on such conditions. As well might

we censure the supreme court for having given a decision which we deemed contrary to the constitution, and where no corruption could be alleged against the judges who pronounced it; which is an essential ingredient to constitute an offence for which a judicial officer is liable to impeachment. In such a case our censure might be retorted by an attachment for contempt, and the honorable Speaker, representing the majesty of this House, would be compelled to answer the charge by purgation, or otherwise, as the wisdom of the House should direct. I mention this to show the absurdity and inefficiency of every attempt to transcend the powers secured to us by the constitution. Sir, I am sick to loathing of this incongruous, novel and impotent effort to wound the sensibility of a hero, who has sacrificed whatever of health or fortune he possessed, and staked his life in common with the soldier by whose side he fought, that our exposed and unprotected frontier might once more repose in peace and tranquillity, undisturbed by the midnight yell of the merciless savage.

The hero of New Orleans wanted not a petty Indian war to satiate his ambition, or add fresh laurels to the wreath already bequeathed to him by his country. It was a war of hardships, fatigues and privations, in which for himself he had nothing to hope but the consolation of having accomplished the object for which he took the field, and of receiving the approbation of the President, to whom alone he was responsible for all the incidents of the campaign in which he participated. Of this reward, so well merited, and so freely bestowed, we now seek to rob him, by fulminating resolutions and vindictive eloquence, against what honorable gentlemen are pleased to call a patriotic unintentional violation of the constitution.

[The committee then rose, reported progress, and asked leave to sit again; and the House adjourned. On the following day, Mr. Poindexter resumed his argument.]

Mr. Chairman, I wish it to be distinctly understood, that the view which I had the honor to take of this subject on yesterday, was not intended to shield the conduct of general Jackson from the strictest scrutiny. Even before this unconstitutional court, unheard and undefended, he fears not the penetrating touch of the most rigid investigation. He asks no palliatives, no exemption from responsibility. He needs only that protection which justice, sternly administered, affords to every virtuous man in the community. The argument was directed to the judgment of the House, in reference to its own legitimate powers, as a separate branch of the national legislature. These consist of the right to judge of the elections and returns of our own members; to determine the rules of our own proceedings; to punish members for disorderly behaviour; and, with the concurrence of two thirds, to expel a member; and they are all the ultimate powers of the House of Representatives. Allow me, sir, in closing my remarks on this point, to call the attention of the committee to an opinion which fell from the venerable George Clinton, a short time before he took a final leave of this world, and was deposited among the tombs of the fallen heroes and patriots, who, with him, had achieved the independence of their country. Placed in the chair of the senate of the United States, he was required, by an equal division of that body, to give a casting vote on the question touching the power of Congress to incorporate a national bank. It will be recollected that he negatived that proposition, and in support of his vote advanced the reasoning by which he was influenced, which he concluded with the following judicious and pertinent admonition: "In the course of a long life, I have found that government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic execution of those which are incontestible; the former never fails to produce suspicion and distrust, whilst the latter inspires respect and confidence." The sentiment is worthy

of the head and the heart which dictated it, and if properly improved will constitute a rich legacy from that inflexible patriot to those who may follow in the path of legislation. I earnestly recommend it to the favorable consideration of this body.

I now, 'sir, proceed to the topics already discussed with such distinguished ability. Perhaps I shall be guilty of a useless trespass on the patience of the committee in attempting to give them a further examination. The causes and origin of the Seminole war, its prosecution and final termination, have resounded in our ears until every feeling is paralyzed, and all the avenues to conviction are closed, by the frost of cold indifference, or the fatal spell of unconquerable prejudice. Under such discouraging circumstances, I enter with diffidence on the task of exploring the ground over which so many have trodden before me. Urged on, however, by a sense of duty and of the important results which may flow from the decision to be pronounced on these interesting subjects, I claim the indulgence of the committee while I submit my opinions in relation to the principles and facts involved in them. The causes of this war stand first in the order of the discussion: upon a clear understanding of these, materially depends the justification of the conduct observed in the prosecution of the war. Many of the rights which appertain to a belligerent in a defensive, cannot be claimed in an offensive war, and this is more particularly the case in respect to that which is now the subject of consideration. The honorable Speaker, aware of the necessity of affixing the guilt of the contest on the United States to sustain his conclusions, has labored to excite our commiseration for the poor, degraded, half starved, persecuted Seminoles, while he charges the people of Georgia with robberies and murders on their innocent, unoffending neighbors; who, in their own defence, were compelled to take up arms and retaliate the injustice which had been practised against them. To these outrages, and the ac-



quisition of Indian lands by the treaty of Fort Jackson, combined with the dictatorial terms of that treaty, I understood the honorable gentleman to attribute the war which has produced so much excitement in this House. Sir, I apprehend no gentleman on this floor is better acquainted with the origin of this war than the honorable member from Georgia, who opened this debate; and if he is willing to admit the charge of robbery and murder made on his constituents—be it so. For one, I can only say, that no satisfactory evidence has been adduced of the fact, and I am, therefore, bound to controvert it.

[The Speaker explained: he meant only to express his fears that such was the fact, without intending to use the strong language which Mr. Poindexter had ascribed to him. Mr. Poindexter proceeded.]

Sir, I have the speech of the honorable gentleman before me; it contains not only the substance of this charge on the people of Georgia, but it refers, in *extenso*, to a paper signed by the chiefs of ten towns, addressed to the commanding officer at Fort Hawkins, specifying their grievances and the wrongs committed on them by the Georgians, for which they demanded an atonement. This paper the honorable gentleman has characterized as an artless tale, told in language pathetic and feeling, which carried internal evidence of, at least, the belief of the authors of it, that they were writing the truth. It complains, that the "white people carried off all the red people's cattle, and still continued to do so; that the whites first begun; that, three years since, the whites killed three Indians, and, since that, three others; that the whites stole their horses, and all they had, and killed three more Indians; to which they have since added six more." Satisfaction is said to have been taken for all except three of the Indians alleged to have been murdered by the whites. From this summary of the paper referred to in support of the argument of the honorable Speaker, and the weight which he has attach-

ed to it, I think it must be manifest, that I have not misconceived or misstated his premises. And I repeat, that it is not for me to interfere between the honorable gentleman from Georgia, whose constituents have been thus implicated, and his honorable friend, who imputes to them such disgraceful conduct. But, sir, I cannot forbear to notice this "artless tale of truth," which is the sole evidence of the outrages complained of, and on which so high an eulogium has been pronounced. Whence came this manifesto? Sir, it emanated from the pen of that infamous foreigner, Arbuthnot; it is one of the multitude of crimes which he expiated on the gallows, and is second only in impudence and falsehood to the famous proclamation of his predecessor, colonel Nichols. Its style is artful and insinuating; its import pregnant with all the horrid deeds excited and consummated by the mischief-meditating hand of that monster whose fate is so deeply deplored within these walls. And is the testimony of this man, the avowed enemy of the United States; the instigator of Indian hostilities, by means of intrigue and seduction; whose occupation was misrepresentation and deception, to draw the unlettered savage into the vortex of impending ruin; whose mind was the dark abode of vice, in all its hideous deformity, worthy of the panegyric which it has received, and of the confidence reposed in it by the honorable Speaker? Shall we dishonor the American name upon his authority, masked by the nominal signatures of ten towns, the dupes of his insidious policy, who knew no more of this "pathetic and feeling narrative—this simple tale of truth," than he thought proper to communicate to them? No, sir, I trust we shall not. We must look to other and more respectable sources, for the concatenation of events which resulted in the Seminole war: to these I shall presently call the attention of the committee. But the treaty of Fort Jackson falls under the severe denunciation of the honorable Speaker, and the war is

said to have had its origin in the imperious, haughty and dictatorial spirit of that instrument. Let us advert, for a moment, to the history of this transaction, and bottom our reasoning on facts, and we shall be less liable to the errors inseparable from a superficial view of any subject. The Creek Indians, towards whom the United States had, for more than twenty years, observed the most pacific policy, stimulating them to industry and agricultural pursuits, and inculcating on their minds the benefits of civilization, seized on the first favorable opportunity which offered, when we were contending for our existence, as a sovereign and independent nation, against the undivided strength of Great Britain, to take up arms against us and make a common cause with the enemy; actuated to this measure, no doubt, by British and Spanish counsellors, and supplied, as we know, with the means of carrying on the war at Pensacola. While they were in our power, weak and unprotected, we cherished and fed them; we introduced among them implements of husbandry, taught them to cultivate the soil, and the use of the wheel and the loom. We respected their territory and prohibited all intrusions upon it. When they found us hard pressed, by the most powerful nation in Europe, we asked not their assistance, but advised them to stay at home and remain in peace; we told them not to fight on either side. But the demon of foreign seduction came among them; false hopes were infused into their minds; promises of British aid were made to them; the prophetic delusion of invincibility nerved the warrior's arm, and the tomahawk and scalping knife were raised against their benefactors; wielded with all the fury of savage barbarity, rendered still more ferocious by the influence of superstition and fanaticism. Such was their ingratitude, and such the return for our magnanimity! The bloody contest ensued. The massacre at Duck River, at Fort Mims, and the butchery of our frontier inhabitants, without regard to age, sex, or

condition, will long be remembered by the afflicted friends and relatives who survive the unfortunate victims, whose innocent blood stained the guilty hand of the inexorable savage. The melancholy story of their wrongs will be handed down to the latest generations. I hope they will not be forgotten by their country. At this momentous crisis, Jackson sprung from the retirement in which his vigorous mind had been permitted to slumber, and contemplate, not without emotions of painful regret, the disasters which marked the progress of our armies. He took the field, at the head of the hardy and intrepid sons of Tennessee—his faithful companions in arms. They penetrated the swamps and the forests, enduring, with manly fortitude, every hardship and privation which the most vivid imagination can conceive, or human language portray. The god of battles was on their side; victory attended their steps—they conquered. The vanquished enemy dispersed: a part of them fled into Florida, to throw themselves under British protection, and the residue surrendered to the mercy of the conquering general. And the articles of capitulation, signed on the 9th of August, 1814, has been called a treaty; a *chef d'œuvre* in diplomacy, cruel and insulting in its terms, to a miserable, fallen foe; derogatory to the national character, and the main cause of the recent war with the Seminoles. I have yet to learn, that the subjugation of one tribe of Indians, and the terms of their submission, is justifiable cause of war on the part of another and a distinct tribe. But, independent of this objection to the ground assumed by the honorable Speaker, I contend, there is nothing in these articles of capitulation either unreasonable or incompatible with the sound morality which, it seems, so eminently distinguished the commissioners at Ghent. Let it be remembered, that a conquering general, in the field, asks nothing of the enemy as a matter of courtesy. His business is to demand justice, and enforce a compliance at the point of the bayonet. And what are the

conditions on which general Jackson agreed to receive the submission of an enemy who had made on the United States an unprovoked war, in aid of a contemplated blow to be struck by Great Britain, on the great emporium of our western commerce? He demands "an equivalent for all expenses incurred in prosecuting the war to its final termination; that the Creek nation abandon all intercourse with the British and Spanish posts, those infernal fiends who had excited them to war; that they acknowledge the right of the United States to establish military posts and trading houses, and open roads, within their territory, and to the free navigation of their waters: that they surrender the property taken from citizens of the United States and friendly Indians, in return for which, the property of those who submitted was to be restored; and that the instigators of the war, whether foreigners or prophets, if found within their territory, should be captured and surrendered. The United States voluntarily undertake to maintain those deluded, infatuated people, until they shall be enabled to support themselves by their own labor." Sir, I will thank any gentleman to designate which of these stipulations he would have omitted. Are they not all essential to a permanent peace and a just indemnification for the injuries we had sustained from these red allies of Great Britain? Yes, sir; nor could general Jackson have done less, in the faithful performance of his duty; and less could not have been expected by a conquered tribe of Indians, under similar circumstances.

The frequent use of the word "demand," which has given so much offence, corresponded precisely with the nature of the transaction, which was purely military, purporting on its face to be "articles of agreement and capitulation," bearing no resemblance to a formal treaty entered into by the mutual consent of two independent sovereignties. I can perceive nothing on the face of this capitulation, either in form or substance, which is inconsistent with a proper respect

for our own safety, or incompatible with national honor. The right to make roads and establish trading houses and military posts on the lands reserved to the Creeks, to which exception has been taken, as a high-handed, arbitrary measure, is universal among all the Indian tribes within our limits. I do not believe it was ever before questioned or complained of. But we are told that this compact was not entered into by a majority of the Creek nation; that it is not binding on them; and the territory acquired under it reverts, under the stipulation contained in the ninth article of the treaty of Ghent. So said Col. Nichols, and Arbuthnot; and so said lord Castlereagh, until our vigilant and enlightened minister, then resident in London, satisfied him that the treaty did not embrace the case. England, the only power in Europe interested in the question, has abandoned her objections to our title, but they are renewed on this floor, doubtless for the sole object of promoting the interests of the United States! Sir, all that we gained during the late arduous struggle with Great Britain, except the glory of our land and naval victories, was this little indemnity from a domestic enemy, who made war on us without the slightest apology. And I ask, if it accords with the "expanded views of an American statesman" to throw the weight of his reasoning and opinions against the fair claim of the United States to a tract of country so dearly purchased with the best blood of the nation, and thereby revive doubts of our title already answered to the entire satisfaction of the British cabinet, to whom alone we are bound to answer questions arising under the treaty of peace? The memorable visit of Nichols, and his red companion, Hillis Hadjo, to England, was made for the express purpose of obtaining the aid of that government in the war, which was then contemplated, to dispossess the United States of the lands ceded by the Creek nation on the 9th of August, 1814. Had this debate taken place prior to their departure, they would have been furnished with an inter-

pretation of the treaty of Ghent favorable to their cause, given, too, by one of the American commissioners who negotiated it, in this deliberative assembly. With such a paper, coming from such high authority, although not strictly official, they might, indeed, have assumed an imposing attitude with the British ministry. Our difficulties would have thickened around us, and the peace of the union might have been endangered, without a relinquishment on our part of the lands so necessary to the growing strength and population of our southern states and territories, for the possession of which we were indebted to the valor and patriotism of that man who, for having done too much for his country, is arraigned, as a criminal, at the bar of this House. The treaty of 1790, made at New York, with M'Gillivray, was objected to on the same pretexts now urged to defeat the agreement made at Fort Jackson, in 1814. The baron de Carondelet, in behalf of the Creek Indians, protested against it as absolutely null and void, because it had not been sanctioned by a majority of the nation. On the recent occasion, Spain is silent, and we are favored with the humane and benevolent interposition of Nichols and Woodbine, Arbuthnot and Ambrister! I confess, sir, I have no ambition to be found in the ranks with either of these sage and beneficent counsellors: it is enough for me to vindicate the rights of my own country against the attacks of all foreign emissaries, whatever guise they may assume to accomplish their detestable purposes. An honorable gentleman from Pennsylvania, (Mr. Hopkinson,) has said, that every step we have taken, in reference to the unfortunate aborigines, whom we found in possession of the soil over which we have spread our population, has been marked with cruelty and blood; and the honorable Speaker has informed us, that the friends of legitimacy in Europe make two serious and important charges against this country; the one is an inordinate spirit of aggrandizement, and the other the treatment which we extend to

the Indians. Now, sir, with all the respect which I entertain for those gentlemen, and for the political morality of the friends of legitimacy in Europe, I deny, in their whole extent, the accuracy of these charges; they are unsupported either by history or the experience of any man living. When did the United States make an offensive war on an Indian tribe? When did they extend their settlements within the boundary of Indian territory, without a full equivalent, agreed on by treaty, fairly concluded and executed? I challenge any gentleman to put his finger on that page of history which affords evidence of these facts. And can England or Spain make the same declarations, supported by a retrospect on their past conduct towards the Indian tribes within their territorial limits? No, sir! they grant lands for military services, and push their settlements without the smallest respect for Indian boundary. The law of force is the only rule which they recognize as applicable to these people; and if presents, favors or privileges, have been occasionally granted to them, they were based in avarice, or intended to stimulate them to the numerous wars which have proved so fatal to them, and which have drenched our extensive frontier in the blood of our citizens. I appeal to every western man, whether, in the long catalogue of Indian hostilities, from the period of the revolution up to the present moment, one instance can be designated in which the war could not be traced to the influence of British agents and traders? Whether we have not constantly endeavored to withdraw their attention from the art of war; to cultivate with them the relations of peace and amity; to civilize them, and ameliorate their condition? These facts are notorious and indisputable; they demonstrate, most clearly, the mildness and justice of our policy towards the savage tribes, and leave no foundation for the charges made on this government, either by the legitimates of Europe or the citizens of our own country.

I aver, without the fear of contradiction, that the



United States have, on all occasions, without a single exception to the contrary, acted on the defensive in the commencement of every war with our Indian neighbors; that they have never turned a deaf ear to the voice of conciliation; and we have abundant evidence that the late Seminole war was of a character, similar in all respects to those which preceded it. The finger of British intrigue, and of Spanish duplicity and connivance, are visible, from the very inception of these hostilities to their final termination. I will not detain the committee by entering into a methodical and critical examination of the documents, in the hands of every gentleman; showing the means employed to excite this war, the preparations made for its prosecution, and the guarantee of ultimate aid from the British government to recover the lands for which the outlawed Creeks contended. They are voluminous and multifarious; many of them official, and all leading to the unavoidable conclusion, that nothing short of a restoration of these lands, upon the most humiliating terms, could avert the impending blow.

[Mr. Poindexter proceeded to give a summary of the prominent occurrences on which he rested the vindication of this government against the charge of aggression.

He observed, that the occupation of a strong military post on the Appalachicola, the asylum of fugitive slaves, of vagabonds and banditti, of hostile Indians and of all who would enlist under the English jack or bloody flag, was the first certain indication of the approaching rupture; that the Spanish government tacitly acquiesced in this open violation of its neutral territory; that the operations of these men were directed by Col. Nichols, a desperate villain under the influence of the British government; that it was the design of the Indians in conjunction with this force, to commence hostilities against the United States, whenever directed so to do by Nichols; that arms and ammunition, to a considerable amount, had been procured,

which were destroyed or taken at the destruction of Negro Fort; that subsequently, Nichols retired from the situation he had occupied, and appointed Arbuthnot his successor, who used every means in his power to excite the Seminoles and Red Sticks to war against the United States; that his efforts were successful, and that the United States were necessitated to take up arms in self-defence.]

Need I ransack the documents on our files to collect the evidence of the murders and robberies which preceded the determination of this government to commence offensive operations against the Indians in Florida? They must be fresh in the recollection of every gentleman. They have been so often repeated by my honorable friends, that I will forbear the painful task of recounting them. The cruel massacres of aged mothers and helpless infants were spread along the whole line of our southern frontier in that quarter. The threatened war soon ripened into full maturity. The murders, committed on our unoffending citizens, were openly avowed, and justified under the hollow and unfounded pretence of retaliation for similar outrages, alleged to have been practised by the Georgians on their people. As early as the 5th of February, 1817, the governor of Georgia made a solemn appeal to the general government for the protection of the exposed settlements within the limits of the state over which he presided. He details circumstances calculated to leave no doubt of the hostile spirit of the savages, and of the active preparations which were making, by Woodbine and Nichols, to carry their hellish designs into execution. Scenes of cruelty, at the recital of which humanity shudders, followed in succession, and still the executive paused, and demanded the punishment only of the offenders. On the 24th of February, 1817, fifteen Indian warriors entered the peaceful dwelling of the unfortunate Garret, a citizen of Wayne county, in Georgia; finding in it only Mrs. Garret, and her two infant children, the eldest of whom

was three years old, and the other in its mother's arms, on whom she had bestowed her tender smiles and caresses for the short period of two months. The helpless condition of this family, their natural protector being absent, innocent and unoffending, alike incapable of inflicting or repelling injury and insult, surrounded by a band of armed ruffians, exhibited a picture of human misery, and heart-rending distress, which might well have tamed the ferocity of the most bloody monster who ever trod the face of the habitable globe. But their cries and entreaties were unavailing; the unhappy mother was twice shot through the body, stabbed and scalped, her two babes murdered, her house robbed of all the valuables which it contained, and, to complete the melancholy catastrophe, the lighted torch was applied to the building, where once they enjoyed the sweets of domestic comfort, and where now their mangled and lifeless forms lay prostrate, covered with the warm blood yet streaming from their hearts—and the flames which ascended to heaven wafted their spirits into the presence of a just God, while, amidst the devouring element, their ashes mingled in one common grave. The mind, which can contemplate, with calm composure, deeds of cruelty and barbarity like these, must be destitute of that refined sensibility which ennobles and dignifies our nature in all the social relations of life.

This act alone, independent of the black list which both preceded and followed it, was open, unqualified war on the United States, unless the criminal perpetrators of these crimes, whose enormity resembles more the tales of fiction and romance than the narrative of real, unsophisticated truth, should receive the prompt and condign punishment which they so justly merited. General Gaines, in obedience to instructions, demanded the murderers, and admonished the chiefs and warriors of the consequences which would result from a refusal to comply with his demand. It was not only refused, but fresh outrages, of a similar character.

were repeated, until the seizure and indiscriminate massacre of a boat's crew, under the command of Lt. Scott, put an end to all hope of conciliation, and the secretary of war, by the direction of the President, ordered the commanding general to cross the Florida line, and terminate speedily this war, "with exemplary punishment for hostilities so unprovoked." The honor of the United States required that every drop of innocent blood which had been so wantonly shed should be washed out by the most ample atonement; and, to effect this object, general Jackson was directed to assume the immediate command of the forces in that quarter of the southern division.

I trust, sir, I have said enough to satisfy the committee, that, on our part, the war was strictly defensive; entered into reluctantly, after every reasonable expedient to avert it had been resorted to in vain.

As to the propriety of a formal and legislative declaration of war against an Indian tribe, the idea never before entered the imagination of any man, during all the contests with the aborigines, through which we have waded. Like many other subtleties which have diversified this discussion, it is of modern origin, and may be classed among the numerous discoveries of the present day, which are not exclusively confined to mechanism, but frequently enlarge the scope, and enlighten the path of political science. The answer to this objection, if indeed it deserved one, has been given by several honorable gentlemen, and particularly by my honorable friend from Kentucky, (colonel Johnson.) I shall not attempt to enforce the argument, on a point so little entitled to serious consideration, and more especially in this case; where several acts of legislation have recognized the existence of the war, made with a full knowledge of the orders which had been given by the President for its prosecution in a foreign territory. At the last session, no exceptions were taken to these orders, but every man approved them, as pro-

perly adapted to the exigency by which they were dictated.

I shall now, sir, consider the questions connected with the prosecution of the war to its final conclusion; and the occupation of St. Marks and Pensacola, and of the fortress of Barancas, by the American army. If I am asked why general Jackson entered the territory of Florida—I answer, he was ordered to do so by the President of the United States. And, with respect to all the subsequent proceedings, it is sufficient for his vindication, that they met the approbation of the same chief magistrate, who thereby incurred the responsibility which otherwise would have rested on the general alone. The President, in his message at the opening of the present session of Congress, justifies the occupation of the posts of St. Marks and Pensacola, and explains the grounds on which they were ordered to be restored to the possession of Spain. He states, “that the commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated, and of the protection on which they had relied, in making the war.” And further, he adds that “in entering Florida, to suppress this combination, no idea was entertained of hostility to Spain, and, however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola, to terminate it, by proving to the savages and their associates, that they should not be protected even there; yet the amicable relations existing between the United States and Spain could not be altered by that act alone.” In addition to these views of the executive, the secretary of state, in his able letter to Mr. Erving, our minister at Madrid, instructed him to acquaint the Spanish government that the “President will neither inflict punishment nor pass a censure upon general Jackson, for that conduct, the motives for which were

founded in the purest patriotism; of the necessity for which he had the most immediate and effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self-defence." I have referred to these papers, coming from the commander-in-chief of our army, addressed to the Congress of the United States, and, through the accredited minister at Madrid, to the Spanish government, to counteract the impressions attempted to be made by an unfounded discrimination between the President and general Jackson, in relation to the military operations of the latter in the late Seminole war. I am very sure the President would disdain to shelter himself from the impending storm, by seeking refuge under the masked battery which honorable gentlemen have, with so much ingenuity, erected for his safety and defence. The most scrupulous sense of military honor could not desire a more unequivocal approbation, than is given, by the President, of the conduct of general Jackson in Florida; they must stand or fall together; and I consider the feigned effort to separate them deceptive and illusory. If censure falls on the head of one, it lights with equal violence upon that of the other.

The act of crossing the Florida line, to subdue the hostile Indians in that province, appertaining to the dominions of the Spanish monarchy, was a measure, in the execution of which the commanding general did no more than obey the call of his country, and the imperious obligations of duty. If this step was justifiable on principles of public law and the usages of war, the same justification runs through all the operations of the army under the command of general Jackson. Self-defence, that primary law of nature, either covers the whole of these transactions, or it does not afford a vindication of the executive, in ordering the troops to march into Florida and put a speedy termination to the war. The entry of a belligerent army into a neutral territory, without the consent of the

sovereign, is *prima facie* a violation of his perfect rights, and amounts to the definition of war *de facto*. Such an entry, even against the will of the neutral power, may, nevertheless, be made under particular circumstances; and furnish no ground of offence, or cause of war, to the neutral sovereign; and precisely the same circumstances will justify the temporary seizure of a neutral town or military post. The conduct of the neutral towards the two belligerents must be impartial; no privilege can be granted to the one, which may not be taken by the other, in the same extent; and, if refused, force may be resorted to, without affording any just cause of complaint to the neutral who is guilty of such a departure from the rules prescribed to her by the settled law of nations, which require her to give no assistance to either party, where there is no obligation to give it; nor voluntarily to furnish troops, arms, ammunition, or any thing of direct use in war: "For, should she favor one of the parties to the prejudice of the other, she cannot complain of being treated by him as an adherent and confederate of his enemy."—Vattel, 332.

The obligations incurred by treaty, constitute the only restriction upon the operation of these rules; and I shall presently show, that, in the late war with the Indians in Florida, Spain was bound in a defensive alliance, *quo ad hoc*, with the United States, and that, she not only violated her neutral duties, but the most solemn stipulation, by which she was bound to become a party to the war as an ally of the United States. But, let it be admitted, that the colony of Spain on our southern border was in all respects entitled to the immunities of an independent neutral state, and bound only to observe that impartiality which was essential to preserve her pacific relations with this country; and I contend, that she was guilty of such gross partiality, in supplying the enemy with the means of prosecuting the war, with the privilege of sheltering themselves within their fortified places. and with a ready

market for all the property which they robbed and plundered from our citizens, as to have forfeited all claim to the respect due to fair and honorable neutrality, and to have become identified with the enemy, so far as she could, with safety to herself and utility to them, extend her aid and assistance in promoting their hostile operations against the United States. I have already shown, from evidence which cannot be controverted, that this war was, on our part, purely defensive, and consequently just; that it was instigated by British emissaries, with the assent and connivance of the local authorities of Spain. Florida was the theatre of the war; there the enemy concentrated all his forces, and sought the most favorable opportunities of making incursions into our territory; and, after striking an unexpected blow, again they retire into this asylum, where they were promised security and protection. From one thousand to twelve hundred men, under the command of Hillis Hadjo, or the prophet Francis, were collected and stationed at Spanish Bluff, the former residence of Doyle and Hambly; these men, we are told by Arbuthnot, were principally Red Sticks, who had fled from the limits of the United States and identified themselves in the war with the Seminoles; other bodies of men were scattered over the nation, amounting in the whole to more than two thousand warriors. Spain was a passive spectator of the scene, and quietly permitted these fugitives to elude the vigilance of our army, by remaining within her neutral territory. The safety of the United States, therefore, required, that, in our own defence, we should carry our arms into the country which was thrown open to our enemy, and from which predatory parties issued to rob and murder our defenceless citizens. In doing so we were justified by a proper regard for our own interests, and by every principle of public law. Vattel, 345, says; "It is certain, that if my neighbor affords a retreat to my enemies when defeated and too much weakened to escape me, and allows them time to recover and



watch a favorable opportunity of making a second attack on my territories; this conduct, so prejudicial to my safety and interest, would be incompatible with neutrality. If, therefore, my enemy, on suffering a discomfiture, retreat into his country, although charity will not allow him to refuse them permission to pass in security; he is bound to make them continue their march beyond his frontiers as soon as possible, and not suffer them to remain in his territories, on the watch for a convenient opportunity to attack me anew; otherwise, he gives me a right to enter his country in pursuit of them. Such treatment is often experienced by nations that are unable to command respect. Their territories soon become the theatre of war—armies march, encamp and fight in it, as in a country open to all comers.”

Yes, sir, the territory of Florida is emphatically a country “open to all comers.” The British found a hearty welcome there during the late war. The outlawed Creeks receive the right hand of fellowship from governor Masot, and his retinue of official dignitaries; fugitive negroes, and banditti, are welcome guests, when associated in arms against the United States; and I am persuaded, the devil himself would have received holy orders, had he made his appearance at Pensacola in the character of a foe to this country! We alone were excluded from the high privilege of meeting our enemies on that soil which was prostituted to every purpose which could, in any manner, subserve their views, and contribute to our annoyance. The fortress of Barancas was peaceably put into the possession of a British and Indian force, in our recent conflict with Great Britain. The Negro Fort was erected on the Appalachicola, with the avowed intention of war with the United States. The vilest reptiles in creation were collected to carry the nefarious projects of the incendiary Nichols into execution, and not a murmur was heard, either from Pizarro or Masot, or the governor-general of Havanna.

But the moment we send a force to suppress these hostile combinations, Spanish sensibility breaks through the cloud by which it had been concealed. Protests and manifestos proclaim to the world the wrongs committed by this government, in the violation of the territorial sovereignty of the adored Ferdinand. With a full knowledge of this fraudulent neutrality on the part of Spain, and of our rights, as a nation, to the means of self-preservation, the President would have been unmindful of the high trust and confidence reposed in him, had he not ordered the army into Florida, to terminate the war with "exemplary punishment for hostilities so unprovoked." The occupation of the posts of St. Marks and Pensacola, and the fortress of Barancas, was a necessary means of accomplishing the end for which general Jackson entered the Spanish territory. They rest on the same general principles, and, if a distinction is taken which would justify the one and condemn the other, it must be founded on a diversity of facts, in reference to the facilities and privileges granted by the authorities of Spain to the other belligerent. For there is a universal rule, to which there is no exception, that whatever a neutral power grants or refuses to one of the parties at war, she must, in like manner, grant or refuse to the other; and, if she departs from this strict line of impartiality, by favoring either to the injury of the other, the injured nation may do herself justice, and take by force what is unjustly denied to her.

Such is the law by which the conduct of all civilized nations is regulated and governed; it remains only for me to glance at the most prominent points in the evidence, to show its application, and thereby rescue general Jackson from the imputation of having snatched from Congress the power delegated in the constitution to "declare war." I ask then, sir, did the governors of St. Marks and Pensacola allow the Indians and negroes free access into their fortifications, and supply them with arms and ammunition to carry

on the war in which they were engaged with the United States? To establish these facts, with regard to the former, I am perplexed with the difficulty of selecting that part of the testimony which might be deemed least susceptible of doubt or equivocation. The whole volume is full of details showing the abominable duplicity and perfidy of the treacherous Luengo.

[Mr. Poindexter here commented upon the testimony which went to establish the abovementioned facts. He observed, that it was evident that the enemy had the unlimited use of the fort of St. Marks for all the purposes of war, and as it regarded Pensacola its situation was substantially the same; that general Jackson, in taking possession of Pensacola, never contemplated an act of hostility against Spain, but that his sole object was to give peace and security to his own country, and to guard against the renewal of hostilities, by prohibiting the supplies which the Seminoles and Red Sticks were accustomed to receive from the faithless and unprincipled governor of Pensacola. In proof of this, he referred to the whole correspondence of general Jackson, and the general order issued after the surrender of Barancas. He then made some remarks upon our treaty with Spain, which it was alleged had been violated by these proceedings, and arrived at the conclusion, that whether the question was considered as resting on the great and universal principles which regulate belligerent rights and neutral duties, or the sacred and inviolable obligations of treaties, general Jackson stood erect, and that the people of the United States would accord to him their hearty thanks for his manly independence in asserting and maintaining their rights.]

Mr. Chairman, I will readily concede to honorable gentlemen, that, if war was made on Spain, either by the orders of the President, or by general Jackson, without the authority of Congress, it amounts to a violation of the constitution, and the most severe punishment, and not mere censure, ought to await the guilty

hand which aims a blow at the tree of liberty, on the soil where alone it is permitted to grow and flourish. But I deny that an act of war either has been, or was designed to have been, committed by general Jackson, in any part of his proceedings in Florida. By war, I wish to be understood to mean that state of things which puts one nation in collision with another: which arrays the people of one sovereignty against the people of another sovereignty; and not such acts as may or may not eventuate in a rupture between powers in amity with each other. The *maximum* must be reached, or the constitutional power of Congress to declare war remains inviolate. Suffer me to illustrate this *postulatum* by showing its analogy to another and a more familiar subject. Suppose a bill suspending the *habeas corpus* is proposed in this House, at a time of profound peace, both at home and abroad; every gentleman will admit that the passage of such a bill would violate an express provision in the constitution. I ask, if it should pass the first and second readings, and be ordered to be engrossed and read a third time, if, on the question, shall the bill pass, it is rejected—whether any of the incipient proceedings amounted to a breach of the constitution? I presume it will not be contended that they did. The violation of the instrument begins with the operation of the measure which it prohibits. So neither is an incipient step, taken by a subordinate authority under the government, which bears the semblance of hostility to a foreign nation, war, until it passes the ordeal of the ultimate power of both countries, and is deemed by them not susceptible of amicable, and honorable explanation and amends. Let us test the conduct of general Jackson by these plain and simple rules, and it will be found that he has neither violated the constitution, nor compromised the peace of the nation.

I have already attempted to prove to the committee that the conduct of Spain, in relation to our savage enemy, justified the entrance of our army into her terri-

tory, and the occupation of the posts of St. Marks, Pensacola, and the fortress of Barancas. But I will admit, for argument's sake, that these latter acts were not strictly justifiable, and that Spain had a right to complain of them; and yet, I say, that they did not amount to the definition of war, and consequently, that general Jackson is not chargeable with having usurped the powers of Congress. To sustain this position, I rely on the practice of the most enlightened European governments, in cases similar in their character; and on the effect of these measures upon the subsisting relations between Spain and the United States. The European precedents to which I shall refer, may be found in the celebrated letter of Mr. Madison to Mr. Rose, on the subject of the attack on the American frigate Chesapeake, by the British ship Leopard.

[Mr. Poindexter read them in the order given to them in that correspondence.]

In these instances force was resorted to; actual violence used, blood spilt, vessels captured, whole settlements broken up and destroyed, and yet the proud and haughty monarchs of England, France, and I may add, of Spain, at that day, did not consider either of them as actual war, but occurrences open to fair and candid explanation and honorable amends; which being demanded, resulted in the preservation of peace between the parties concerned.

These were direct acts of hostility, committed by the military of one power, against the subjects of the other without a previous declaration of war, and therefore more offensive to the dignity and honor of the sovereign, than the temporary occupation of a town or fortress, in the prosecution of a war with another nation, to whom the same privilege had been granted. According to the practice of nations, therefore, the proceedings at St. Marks and Pensacola cannot be regarded as deciding the question of peace and war between Spain and the United States, waiving all the circumstances which so fully justify the commanding

general. Neither government understood them as amounting to a change of the amicable relations which existed prior to these occurrences, and which it was their mutual desire to preserve. Spain demanded a restitution of the posts in the possession of the American troops; they were ordered to be restored; Pensacola unconditionally, and St. Marks on the appearance of an adequate force to protect it from the savages. The Spanish minister, in the name of his master, also demanded the punishment of general Jackson; he was told that the President would "neither inflict punishment, or pass a censure" on the general, for conduct which found its justification in the perfidy and duplicity of governor Masot, and the officers of his catholic majesty, in Florida. We, on our part, demanded the punishment of these Spanish officers; they have neither been punished, nor their conduct formally investigated. Thus the affair has terminated, to the satisfaction of both parties, so far as it is essential to the preservation of peace between the two countries. It did not originate in a disposition to produce a rupture with Spain, either on the part of the President or of general Jackson. Pizarro blustered for a while; published his protest; interdicted all further communications with this government until proper explanations were made, and submitted the matter to the Congress of Aix-la-Chapelle; hoping to excite the sympathy of the allied sovereigns, and to obtain their interposition in behalf of Spain. He, however, in a few days, so far subdued his resentment, as to resume his usual correspondence and intercourse with Mr. Erving, our minister at Madrid. The Congress of Aix la Chapelle expressed no opinion on the subject; and Don Onis, the minister of Ferdinand at this place, has never for a moment ceased to fulfil his functions, without the smallest interruption; and so little was the respect which he paid to the letter of Pizarro, suspending further communications with the American government, that he did not think it worthy of being officially made known to the secretary

of state. He places the vindication of his master on ground totally different from that assumed in this House by those who defend his cause, in attempting to censure the conduct of general Jackson. He says, in a letter to Mr. Adams, of the 8th of July, 1818: "It cannot be supposed that the Indians, against whom the American commander directed his operations, received protection in Florida. They never received either favor or protection from the Spanish authorities, either within or without the territory under their jurisdiction."

Speaking of the governor of Pensacola, he alleges, that "he took every necessary precaution to prevent the Indians being supplied with arms and ammunition within his majesty's territory. These facts being of public notoriety, and impossible to refute, there can be no excuse, pretext or subterfuge, offered for a series of such unheard of outrages." And, sir, this is the true and only basis on which to rest the slightest charge against the proceedings of general Jackson. It is a question of fact; and if Don Onis speaks the truth, in saying that the Indians received neither favor nor protection from Luengo or Masot, and that every thing was done in their power to prevent their being supplied with arms or ammunition, and that it is impossible to refute these facts—then I say with him, that the American commander was censurable, and ought to be brought before a general court martial. But, unfortunately for the Don, the evidence is all on the other side; and these facts, which he says "it is impossible to refute," are contradicted even by the officers themselves, whom he thus boldly defends. I contend, therefore, on the authority of the Spanish minister himself, that, the proof being against him, the conclusion fails and general Jackson stands acquitted by Spain of all blame or censure for his occupation of St. Marks and Pensacola. The chevalier Onis will not stoop so low, as to put the issue of the controversy on the wire-drawn theories, and ingenious sophistry, with which he

has been so generously supplied by honorable gentlemen who have participated in this debate. He takes the high and imposing attitude of facts, from which he deduces the innocence of the colonial authorities in Florida, and the consequent guilt of the American commander; and surely he ought to be allowed to shape the defence of his own immaculate master. On that ground I am content to submit the case to the decision of an impartial world. Sir, if the United States have been precipitated into hostilities with Spain, by general Jackson, and the constitutional powers of Congress, in that respect, have been usurped, by whom has the war been recognized, and where are its effects to be seen or felt? Spain has given no evidence of a belief on her part that she is at war with us, or that she contemplates becoming so. We have disavowed all hostile intentions towards her. She has a minister resident at Washington, who is treated with every respect due to his rank, and who is now employed in the interesting duty of forming a treaty on the subjects which have so long remained unsettled between his sovereign and this country. We also have a minister of equal rank and dignity at Madrid, who receives there the most polite attention. No armies are in the field; no fleets on the ocean; no appropriations required to carry on the war; but it is nevertheless the foundation upon which the whole argument of the advocates of these resolutions is built; and all the dreams of our violated constitution, with which we have been amused for the last three weeks, are predicated on this visionary war, which honorable gentlemen imagine to exist, for the sake of the argument; but which neither of the feigned belligerents acknowledge, and which is carried on without men, money, or ships, while both nations are under the singular delusion, that they are in a state of profound peace! I have heard, sir, of wars in the moon, and I presume this must be one of that description.

Mr. Chairman, I think it must be manifest to every



candid mind, disposed to look at these events with an impartial eye, that no act of war has been committed against Spain: that none was ever intended: that our relations of amity with that nation have undergone no change: and that general Jackson has been most unjustly charged with a violation of the constitution of his country. The total neglect of Spain for the last ten years to maintain her authority in Florida, and the facilities which it affords to our enemies, has compelled the government of the United States to consider that territory open to our arms whenever the public safety required that they should be sent there; and the Spanish government has no just right to complain of treatment which her own negligence and imbecility has imposed on us as a duty, in self-defence.

Permit me, sir, to call the attention of the committee to a measure which was adopted during the administration of President Madison, relating to that part of Florida which lies west of the Perdido, and which we claimed under the cession of Louisiana. Spain was in possession of the country, and contested our claim; a special mission had been sent to Madrid to negotiate a treaty of limits with that government; and the effort to effect that object was unsuccessful. Pending this question of title between the two governments, in the year 1810, Mr. Madison issued a proclamation annexing the disputed territory to the present state of Louisiana, then the territory of Orleans. That proclamation is in the following words:

“Now be it known, that I, James Madison, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite, that possession should be taken of the said territory, in the name and behalf of the said United States. William C. C. Claiborne, governor of the Orleans territory, of which the said territory is to be taken as part, will accordingly proceed to execute the same, and to exercise over the said territories the authorities and functions legally appertaining to his

office; and the good people inhabiting the same are invited and enjoined to pay due respect to him in that character: to be obedient to the laws, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance, that they will be protected in the enjoyment of their liberty, property and religion."

To carry the power vested in him into effect, governor Claiborne was authorized to call in to his aid the regular troops of the United States on the Mississippi; and, if these should be deemed insufficient, to call out the militia of the Orleans and Mississippi territories, and to take forcible possession of the territory, if resistance should be made. The order was executed. The laws of the United States were extended to the country, by virtue of this proclamation, and at that time, and for more than one year afterwards, a Spanish garrison remained at Mobile. This step was taken but a few weeks before the meeting of Congress, and communicated to both Houses at the opening of the session. An interesting and animated debate arose in the senate on that part of the President's message. Parties were then marshalled; the opposition to administration was systematic and uniform; and its friends were equally so. The proceeding was denounced as an unauthorized act of war on Spain; as a usurpation, by the executive, of the power vested alone in Congress, to declare war. The constitution was said to be violated; the country menaced with all the horrors of war, both by England and Spain. The arguments, used on that occasion by the old federal party, bear a strong resemblance to those which we have heard on the present occasion, from the friends of these resolutions. I listened, sir, with great pleasure, to a very able and eloquent speech delivered by the honorable Speaker, then a member of the senate, in the defence of this executive measure. He received my thanks, and, I have no doubt, the thanks of the nation, for the unanswerable and lucid views

which he took of that subject. I hope the honorable gentleman will pardon me for the liberty which I take in reading a few sentences from that speech, to the committee. Their application to the recent occurrences in Florida, will be readily perceived, conveyed in language much superior to any which falls within the compass of my humble capacity. "I have, (said he,) no hesitation in saying, that, if a parent country either cannot, or will not, maintain her authority over a colony adjacent to us; and if misrule and disorder prevails there dangerous to the union, or menacing the peace of our frontier; or unfavorable to the execution of our laws; we have a right, on the eternal principles of self-preservation, to lay hold of it. This principle, alone, independent of any title, would justify the occupation of Florida." Sir, if the eternal principle of self-preservation alone would justify the occupation of that part of Florida, without any title, to guard against a contingent danger, will it not apply, with more than equal weight, to a case of actual existing danger, when the frontier is deluged in the blood of helpless age and infancy? If misrule and disorder prevailed in that portion of the province, at the time we took possession of it, the same remark was applicable to Pensacola and its dependencies, when that place was surrendered to the American forces. We were then at war with no Indian tribe who gained admission into the territory. We apprehended no immediate invasion from any quarter; and I ask the honorable gentleman, if that measure was justifiable on the reasonable probability of approaching hostilities, can he condemn general Jackson for a similar precaution, surrounded as he was by a combination of Indians and negroes, prepared to renew their deeds of cruelty and blood whenever the army under his command should retire within the limits of the United States?

Let me not be told, that we had a fair title to the country under the purchase of Louisiana; for, so far

as it related to the national feelings of Spain, and to the compromitment of our own peace, it was sufficient that Spain was in the actual possession of the soil, and claimed a paramount right to the sovereignty over it. We forcibly wrested it out of her possession, and extended our laws, both general and local, to its inhabitants, by proclamation; and I am at a loss to distinguish that act from the military occupation of another district in Florida, on the same great principle of self-preservation. I accord my approbation to both measures, alike in their character and in their effects, and leave the honorable Speaker to show, if he can, in what consist the shades of difference which will authorize us to justify the one and censure the other. On various other occasions we have marched troops into Florida, and fought battles there, without exciting the smallest sensation in this House, on the score of a usurpation of its powers by the executive. In 1812, colonel Smith, at the head of a rifle regiment, was posted before St. Augustine; a detachment from his command was attacked and defeated by the Indians and negroes from the Spanish fort; he declared his intention of storming the place, but his troops were enfeebled by disease, and he retreated to the state of Georgia. A regiment of volunteers, commanded by colonel Williams, of Tennessee, likewise carried their military operations into that country. The Georgia militia have frequently been ordered there, in pursuit of hostile Indians. In 1814, general Jackson fought a battle in Pensacola, and dislodged the British force in the Barancas, who blew up the fortress on retiring into their vessels. Since that period, the Negro Fort, so often mentioned, on the Appalachicola, was attacked and destroyed by a combined land and naval force. All these events have passed in review before us, and never until now were they considered either war on Spain, or a violation of the constitution. But, sir, every thing heretofore held sacred, both in principle and practice, must bend to this unprecedented scheme

of passing censure on general Jackson, who has been modestly compared to Alvear, Cortes, Pizarro, and Hyder Alli, by an honorable gentleman from New York, (Mr. Storrs,) and at the same time the gentleman assured us of the very high respect in which he held the character and services of that distinguished hero! Sir, there are some men too high in the estimation of their fellow-citizens, to be permitted quietly to enjoy the distinction conferred on them by a grateful country. Had general Jackson been less useful to the nation, he might have escaped the mortification of the denunciations uttered against him on this floor.

Sir, I have been mortified and disgusted at the sickly agonies and sympathetic effusions, which have been so often repeated by honorable members, on the subject of the trial and execution of the instigators of the Seminole war, Arbuthnot and Ambrister. Inflated appeals to our humanity and magnanimity have rung through this hall, to excite our commiseration for these guilty men: they have failed to reach either my judgment or the feelings of my heart. My sympathies, thank God, are reserved for the bleeding and suffering citizens of my own country; and, objects of that description in abundance are exhibited to our view, in the narrative of events connected with the short, but bloody career of these foreign incendiaries in Florida. The punishment inflicted on them was more than merited by the enormity of their crimes; the example, I trust, will be a salutary warning to British agents on the whole extent of our Indian frontier; and if future outrages of the same kind should be practised, we owe it to the safety and honor of our country, to retaliate on the offenders with the utmost rigor and severity, until the subjects of foreign nations shall be taught to dread our vengeance, if they do not respect our rights. Sir, it is not my intention to enter into a detailed argument on the various technical objections which have been resorted to by gentlemen skilled in the nicety of special pleading, to show that a count or an innuendo

is wanting in the declaration, or that judgment has not been pronounced according to the forms in such case made and provided. Such trash may serve to supply the vacuum of empty declamation; but, I can never consent to convert this great political theatre into a court of errors and appeals, sitting to scan the record, and regulate the proceedings of inferior tribunals. My views are directed to measures in reference to their operation on the general welfare of my country, and, whenever that effect is produced, I would not retrace the step, unless the honor of the nation imperiously demanded the sacrifice. The proceedings of the special court, convened by general Jackson, on this occasion, have been fully and ably defended by honorable gentlemen, whose profound knowledge of military science and the practical usages of war gives to their opinions and arguments the weight of authority, and supersedes the necessity of further investigation. If, indeed, errors in point of form were committed by the court, or if they misunderstood the powers vested in them by the order of the commanding general, it does not become the dignity of this House to ascribe these irregularities to general Jackson: it is to the general order we must look for a definition of the duties which the court were required to perform; they were instructed to "record the documents and testimony in the several cases, and their opinion as to the guilt or innocence of the prisoners, and what punishment, if any, should be inflicted." Call it, therefore, a court martial, or by whatever other name you please, these were the powers conveyed to it, and no assumed title could enlarge the grant or substantially change its character. The opinion of the court was given in the form of a sentence, and carried into execution, but the same result would have followed, if there had been no departure from the literal import of the order. To cavil at such petty inaccuracies, where substantial justice has been done, is, I repeat it, unbecoming the dignity of the House of Representatives. That these perfidi-

ous miscreants met the fate which their conduct merited, cannot be seriously doubted by any one. On the principle of reprisals, it was lawful to execute them; and, as criminals of the highest grade, whose guilty hands involved a whole country in scenes of massacre and robbery, they fell just victims to the offended laws of nature and of nations. "Those who, without authority from their sovereign, exercise violence against an enemy and fall into that enemy's hands, have no right to expect the treatment due to prisoners of war; the enemy is justifiable in putting them to death as banditti." Again, "the violences committed by the subjects of one nation against those of another, without authority, are looked upon as robberies, and the perpetrators are excluded from the rights of lawful enemies;" and, also, "whosoever offends the state, injures its rights, disturbs its tranquillity, or does it a prejudice, in any manner whatever, declares himself its enemy, and exposes himself to be justly punished for it." Vattel, 162. Sir, can any gentleman compare these principles of national law, with the evidence in the trials of Arbuthnot and Ambrister, and seriously contend that they have suffered unjustly and contrary to law? That they have been doomed to perish under the rod of military despotism, I frankly confess, it would require a stubborn determination to persevere in error, which I do not possess, to draw conclusions so inconsistent with such premises. Some gentlemen have attempted to make a distinction between the guilt of these men. Ambrister, (say they,) was taken in arms; he commanded the negroes and Indians, led them into battle, was identified with them, and therefore deserved death. Arbuthnot, we are told, was a mere merchant, a dealer in the articles which the Indians were accustomed to purchase.

I have, in the preceding part of my remarks, had occasion to advert to the objects for which this man entered Florida, and the part which he took in exciting the Indians to war. If Nichols was an innocent

dealer in "the articles which the Indians were accustomed to purchase," so was Arbuthnot; their views were the same; they held the same language to the savages, and each gave a pledge of British aid, in case war should be waged for the recovery of the lands ceded by the treaty of Fort Jackson. He frequently assured the chiefs that he had authority to correspond with his majesty's minister at Washington—with governor Cameron, of New Providence, and the governor-general of Havana, on the subject of the necessary supplies for carrying on the war; and that he was in possession of a letter from earl Bathurst, which informed him that Mr. Bagot was instructed on that subject. On the back of a letter addressed by him to that minister, he states the aggregate force embodied among the Indians, and the positions at which they were posted; and requests a supply of arms and ammunition, specified in the following memorandum:

[The articles specified in the memorandum, read by Mr. Poindexter, were gunpowder, lead, muskets, flints, knives, tomahawks and vermilion.]

This paper speaks for itself; it cannot be misunderstood; and shows, most clearly, the participation of Arbuthnot in providing the means necessary to the prosecution of the Seminole war. He was the prime minister of the hostile Indians; had a full power of attorney to make talks, and act for them in all cases whatsoever; and if Ambrister, who was but a subordinate agent, was justly sentenced to suffer death, what excuse can be offered for the man who put the whole machinery of war, massacre and robbery, in motion? Can it be said that he had not disturbed the tranquillity of the United States, or done us a prejudice in any manner whatever? I presume it cannot, and of course, according to the maxims of public law, to which I have referred, "he had declared himself our enemy, and exposed himself to be justly punished." It is unnecessary for me to enlarge the discussion on the right of the commanding general to retaliate on the enemy for the



acts of cruelty and barbarity which were practised in the progress of this war. Honorable gentlemen, who controvert the right, have shown no instance in which it was denied, either in Europe or America; and, in support of it, we have the examples of Washington, and many other general officers, who fought in the war of the revolution. Yes, sir, general Jackson had the right to inflict punishment of these outlaws. I rejoice that he exercised that right; and, if we do not paralyze and destroy the good effects of the act, it will contribute, in no small degree, to the future peace and security of our frontier. But the honorable Speaker has said that we have no right to practise retaliation on the Indians; that we have forbore to do so, from the earliest settlement of the country, and that it has become the common law of the land, which we are bound not to violate. Sir, from what source does the gentleman derive the principle that a right, inherent in the nature of man, which he inhales with his first breath—which “grows with his growth and strengthens with his strength,” which has the fiat of God for its sanction, and is incorporated in the code of all the nations of the earth, becomes extinct with regard to those who may forbear to exercise it, from motives of policy or humanity, for any number of years? That a common law is thereby entailed on the American people, to the latest generations, by which they are required to bend beneath the tomahawk and scalping knife of the savage, and submit to every cruelty and enormity, without the privilege of retaliating on the enemy the wrongs and injuries we have suffered by his wanton transgression of the rules of civilized warfare? We have, it is true, tolerated much of the inhuman conduct of the aborigines towards our frontier inhabitants. We have endeavored to teach them, by examples of humanity and magnanimity, the blessings and advantages of civilization; but instances are not wanting of the most severe retaliation on these monsters, for their deeds of barbarity. If, however, there was not a solitary case

on record, of the exercise of the right, it remains inviolate and inviolable. No community has the power to relinquish it, and bind posterity in the chains of slavish non-resistance. The gentleman's common law will not do for the freemen of the United States; it is unique and absurd. Sir, if the committee will pardon the digression, this novel idea of common law, reminds me of an occurrence which is said to have happened in the early period of the settlement of the present polite and flourishing state of Kentucky. A man, in personal combat, deprived his antagonist of the sight of an eye, by a practice familiar at that day, called gouging. The offender was prosecuted and indicted for the outrage; he employed counsel to defend him, to whom he confessed the fact. Well, sir, said the lawyer, what shall I say in your defence? Why, sir, said he, tell them it is the custom of the country! And I presume, if the honorable Speaker had presided on the trial, he would have said, "gentlemen of the jury, it is the common law of Kentucky, and you will find a verdict for the defendant." But, sir, to be serious, let me bring the case home to the honorable Speaker himself. Suppose a band of those barbarians, stimulated and excited by some British incendiary, should, at the hour of midnight, when all nature is wrapt in darkness and repose, sound the infernal yell, and enter the dwelling of that honorable gentleman, and in his presence pierce to the heart the wife of his bosom, and the beloved and tender infant in her arms—objects so dear to a husband and a father—would he calmly fold his arms, and say, well; 'tis hard! but it is the common law of the country, and I must submit! No, sir; his manly spirit would burn with indignant rage, and never slumber till the hand of retributive justice had avenged his wrongs.

"Mercy to him who shews it, is the rule,  
And righteous limitation of the act,  
By which Heaven moves in pardoning guilty man:  
And he that shows none, being ripe in years.

And conscious of the outrage he commits,  
Shall seek it and not find it, in his turn."

I have no compassion for such monsters as Arbuthnot and Ambrister, their own country is ashamed to complain of their fate; the British minister here has disavowed their conduct, and abandoned their cause; and we, sir, are the residuary legatees of all the grief and sorrow felt on the face of the globe, for these two fallen murderers and robbers! For I call him a murderer who incites to murder.

Mr. Chairman, I am not the eulogist of any man; I shall not attempt the panegyric of general Jackson; but if a grateful country might be allowed to speak of his merits;—

Louisiana would say, "You have defended our capital against the veteran troops of the enemy, by whom it would have been sacked, and our dwellings enveloped in flames over the heads of our beloved families."

Georgia: "You have given peace to our defenceless frontier, and chastised our ferocious savage foe, and the perfidious incendiaries and felons by whom they were excited and counselled to the perpetration of their cruel deeds. You have opened additional territory to our rich and growing population, which they may now enjoy in peace and tranquillity."

Alabama and Mississippi: "You have protected us in the time of our infancy, and in the moment of great national peril, against the inexorable Red Sticks and their allies; you have compelled them to relinquish the possession of our lands, and ere long we shall strengthen into full manhood, under the smiles of a beneficent Providence."

The whole Western Country: "You have preserved the great emporium of our vast commerce from the grasp of a powerful enemy; you have maintained, for our use, the free navigation of the Mississippi, at the hazard of your life, health and fortune."

The Nation at large: "You have given glory and renown to the arms of your country throughout the civi-

lized world; and have taught the tyrants of the earth, the salutary lesson, that in the defence of their soil and independence, freemen are invincible."

History will transmit these truths to generations yet unborn, and, should the propositions on your table be adopted, we the representatives of the people subjoin: "Yes, most noble and valorous captain, you have achieved all this for your country; we bow down under the weight of the obligations which we owe you, and as some small testimonial of your claim to the confidence and consideration of your fellow-citizens, we, in their name, present you the following resolutions:

"Resolved, That you, major-general Andrew Jackson, have violated the constitution which you have sworn to support, and disobeyed the orders of your superior, the commander-in-chief of the army and navy the United States.

"Resolved, That you, major-general Andrew Jackson, have violated the laws of your country, and the sacred principles of humanity, and thereby prostrated the national character, in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister, for the trifling and unimportant crime of exciting the savages to murder the defenceless citizens of the United States.

"Accept, we pray you, sir, of these resolves: go down to your grave in sorrow, and congratulate yourself that you have not served this great republic in vain."

Greece had her Miltiades, Rome her Belisarius, Carthage her Hannibal, and "may we, Mr. Chairman, profit by the example!" Sir, if honorable gentlemen are so extremely solicitous to record their opinions of this distinguished general, let us erect a tablet in the centre of our capitol square: let his bust designate the purpose: thither let each man repair, and engrave the feelings of his heart. And, sir, whatever may be the opinions of others, for one, I should not hesitate to say, in the language of the sage of Monticello, "honor and gratitude to him who has filled the measure of his country's honor."

# INAUGURAL ADDRESS

OF

JAMES MADISON,

PRESIDENT OF THE UNITED STATES,

DELIVERED MARCH 4, 1813.



ABOUT to add the solemnity of an oath to the obligations imposed by a second call to the station, in which my country heretofore placed me, I find, in the presence of this respectable assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated; and by the consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice, which invites the smiles of heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment, without presumption, when we reflect on the characters by which this war is distinguished.

It was not declared on the part of the United States, until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been

received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions; and either perpetuating a state of disgraceful suffering, or regaining, by more costly sacrifices and more severe struggles, our lost rank and respect among independent powers.

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other powers, on the element common to all; and to violate the sacred title, which every member of the society has to its protection. I need not call into view the unlawfulness of the practice, by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our government; and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect with a proud satisfaction, that in carrying it on, no principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity, have been infringed. The war has been waged on our part, with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war, citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war,

and threatened to punish as traitors and deserters, persons, emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government, which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated republic. Happily, like others, these will recoil on the authors: but they mark the degenerate councils from which they emanate: and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a government, which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of its scabbard before the enemy was

apprized of the reasonable terms on which it would be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance, not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is in number more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid developement; and, draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew and still know, that without them it could not be carried on, through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematic exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, pre-saging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.



faithful to them and myself, if I did not interpose my best efforts to arrest the downhill career of ruin.

In performing this duty, I shall certainly say the things I do think. Endeavoring to use such language only as is consistent with self-respect and decency towards those who differ from me in opinion, I mean freely to exercise the right which belongs to my situation. Right! did I say, sir? The expression is inaccurate; once, indeed, there did exist in this House the right of free discussion. It was once deemed a constitutional privilege for every member to bring forward any proposition he deemed beneficial to the country, and support it by whatever arguments he could adduce; to offer amendments to the propositions of others, so as to render them, in his judgment, more unexceptionable; and to state the reasons of his dissent from any measure on which he was called to vote, and endeavor to impress his opinion on others. No doubt a vast portion of the good people of this republic yet believe that such is the course of proceedings here. Little do they dream of the complicated machinery, by means of which every privilege, except that of thinking, is made to depend on the pleasure of the country, the whim of the majority. By certain interpolations into our practice, but which nowhere show their hideous front in our written code, the system of suppressing the liberty of speech is brought to a degree of perfection that almost astonishes its authors. A gentleman wishes to bring forward an original proposition—he must first state it, and obtain permission, from a majority of the House, to let it be considered, before he can show the propriety of adopting it, or ask even for a decision upon it. Thus is annihilated the right of originating a proposition. But a proposition is originated by others, it is passed through the ordeal of consideration, and he is desirous of amending its defects, or of exposing its impropriety. This is, perhaps, deemed inconvenient by the majority. It may give them trouble, or bring forward a dis-

cussion which they do not wish the people to hear, or detain them too long from their dinners—a new species of legerdemain is resorted to. The ‘previous question,’ utterly perverted from its original and legitimate use, is demanded; the demand is supported by a majority. In an instant all the proposed amendments disappear; every tongue is so fettered, that it can utter but aye or no, and the proposition becomes a law without deliberation, without correction, and without debate. And this process is called legislation! And the hall, in which these goodly doings are transacted, is sometimes termed the temple of liberty! Sir, this procedure must be corrected, or freedom is rejected from her citadel, and wounded in her very vitals.

Inconveniences also result to the majority, from this tyrannical exercise of power, sufficient, perhaps to counterbalance all the benefits which can be derived from it. Gentlemen often complain, that the minority do not pursue the practice which is adopted by minorities elsewhere. In England, say they, the opposition address the House and the nation only on great fundamental questions, involving disputed principles, and do not hang on the skirts of every bill, fighting the ministry through all the details of their measures. Why is not the same course pursued here? The answer is obvious. Here the minority are not allowed to bring forward these great fundamental questions; they have no opportunity of showing their views, except such as may be casually afforded by some measure of the majority, on which they are good-natured enough to allow debate. Unless they avail themselves of such a bill in every stage of it, as a peg on which to hang their observations, they must be utterly mute. Thus it happens, too, that there is frequently not any discernable connexion between the topics discussed, and the subject supposed to be under debate.

Perhaps the very course I am pursuing is an apt illustration of these facts. Some weeks since I sub-

mitted to the House a resolution, which I thought eminently deserving of attention—a resolution, “that pending our negotiation with Great Britain, it is inexpedient to prosecute a war of invasion and conquest of the Canadas.” This resolution could not be discussed, for the House would not vouchsafe to it a consideration. But, as on the proposition now before you, debate is indulged, and has assumed a latitude that seems to permit every thing connected with the war, I am willing to embrace the occasion to support my favorite proposition, to which a regular hearing has been refused. Grateful even for this opportunity, I acknowledge the courtesy which has been shown me by the majority; sorely as I feel the degradation of indirectly using as a favor what, as a freeman and the representative of freemen, I ought openly to enjoy as a right.

It is far from my design to enter into a particular inquiry as to the origin of this war, or as to its causes whether technical or real. Such an inquiry would present a theme too important and too extensive to be taken up as collateral or subsidiary to some other investigation. At the present moment, too, it is not so essential to know how this war has been produced, as it is to ascertain how it may be speedily and fairly brought to a close. So far only as a knowledge of the origin and causes of this war may be useful in producing this result, it is my purpose now to consider them. An honorable gentleman from South Carolina, (Mr. Calhoun,) claims for this war the character of defensive. He has properly remarked, that a war, defensive in its origin, may be offensive in its operations, and of consequence that its character is not defined by the nature of these operations. But, sir, he is incorrect in supposing that its character is to be tested by the motive which occasioned its institution. War is offensive or defensive, simply as it is instituted by or against a nation. It is an appeal to force to decide controversies between sovereigns who admit of no

other tribunal to determine their rights. There is a perfect analogy in this respect between nations at war, and individuals litigating in a court of justice. He who commences the process is the actor. He who is summoned to the controversy has the defensive part, and it is in this view immediately immaterial whether the motive to litigation be found in the honest desire to claim what is due or in the malignant wish to oppress and defraud. For the correctness of these ideas, I rely not on my own judgment. This ought not without hesitation to be opposed to that of the honorable gentleman who, independently of his personal claims to attention as chairman of the committee of foreign relations, must be presumed to be particularly conversant with all the questions connected with national law. Any person who has the curiosity to test these sentiments by the authority of jurists, will find them explicitly recognized by Burlamaqui, vol. 2d, part 4th, chap. 3 and 5; and by Vattel, b. 3, chap. 3, 35 and 37.

Nor let it be deemed, sir, of no importance whether this war be called defensive or offensive. It is always of moment that things should be called by their right names. Many of the vices and most of the errors of man, arise from the misapplication of terms. The reasoner, who uses words to convey a meaning variant from their received signification, will probably occasion error, however precise his definitions. In spite of definitions, the hearer appropriates to his expressions the sense which usage has associated, and a confusion of ideas fatal to truth is the unavoidable consequence. Many phrases too, besides their primary meaning, convey a secondary sense of commendation or blame. By an artful use of these, the sophist is enabled to convert the honest prejudices of man, the guards of his security, into the instruments of his deception.

The sagacious Mirabeau, than whom, none better understood the arts which render the human understanding and passions subservient to the tyranny of fraud, he who so long 'rode in the whirlwind, and di-

rected the storm' of the most furious revolutions, compressed the elements of his science into one sententious maxim, 'words are things.'

But the distinction between offensive and defensive war has peculiar claims upon our recollection. So fatal is war to the best interests of the human family, that a tremendous responsibility always rests upon the nation that commences it. This responsibility attaches through all its stages, and is awfully increased into certain guilt by the neglect of any fair opportunity to restore the relations of peace. Besides, the consideration that the war was offensive in its origin—that consideration which emphatically creates the obligation to terminate its horrors as speedily as justice will permit—will frequently be found to present the greatest obstacles to efforts at reconciliation. The advocates for this war, vieing with each other in zeal for its justification and continuance, do not precisely agree in opinion, as to its causes, or as to the objects for which it is to be prosecuted.

The gentleman from Pennsylvania, who presides over your judiciary committee, (Mr. Ingersoll,) in an elaborate argument, seems desirous to prove, (I am not certain which,) either that the war is a consequence of the violation on the part of Great Britain of his favorite principle, 'free ships make free goods,' or is to result in the establishment of this principle. This comprehensive dogma the gentleman contends to be a part of the original unadulterated code of national law, consecrated by the treaty of Utrecht, strenuously asserted by Britain herself in her dispute with Spain, in the year 1737, recognized in her commercial treaty with France in 1786, and vitally essential to our maritime interests. The gentleman from Virginia, whom I yesterday heard with much pleasure, (Mr. Jackson,) dissents from his political friend, and declares that this maxim has never been asserted by our government, under any administration, as founded on the common law of nations. Although the gentleman from

Virginia, is in this respect unquestionably correct, yet it is not certain that the chairman of the judiciary committee, is altogether erroneous in attributing to the administration an expectation of establishing by this war some such theory. That the neutral flag shall protect all from capture is a very convenient doctrine for a nation frequently at war with an adversary of decidedly superior maritime strength. France who, with occasional short intervals, has been for centuries at war with England, has very naturally wished to incorporate this doctrine into the law of nations. Her imperial master has adopted it as one of the elementary principles of his new maritime code, which he solemnly promulgated in his decree of Berlin, of November 1806; and in support of which, he has used every violence and stratagem to array the nations of the world, into one great maritime confederacy. At least as early as the infamous Turreau's letter of June, 1809, the executive of this country was perfectly apprized of such a confederacy, of the purposes which it was to uphold, and of the determination of France to bribe or compel our accession to it. The decree of the great protector of the confederacy, of the date of April, 1811, though probably not issued till May, 1812, announced in language sufficiently distinct, that this claim had been so far complied with on our part, as to exempt from the further application of the penalties of disobedience. And our declaration of war, against the sole recusant of this imperial theory, was proclaimed by Napoleon to his senate, as a spirited and generous exertion, to vindicate the new religion of the flag which, like the superstition of the sanctuary, was to protect every fraud and shelter every crime. Extravagant, therefore, as the positions of the gentleman from Pennsylvania, may be thought by the far greater part of this committee, they may have more countenance from the administration, than is generally suspected; and on this account, may deserve a rapid and transient examination.

The assertion that by the general law of nations, the character of the vessel gives a character to the goods is unequivocally denied. The actual reverse of the assertion is maintained by jurists generally, with harmony that forbids doubt. Instead of detailing these opinions separately, permit me to give the language of one who wished well to the gentleman's doctrine, who had often carefully explored the musty volumes of national law, and was never apt to carry his admissions beyond the line which candor prescribed. Mr. Jefferson in his letter to Genet, of 24th July, 1793, expresses himself thus: "I believe it cannot be doubted, but that by the general law of nations, the goods of a friend in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretences of having goods on board, have in many instances, introduced another principle between them, that enemy bottoms shall make enemy goods, and that friendly bottoms shall make friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain or loss; but this is altogether the effect of particular treaty, controlling in special cases the general principles of the law of nations, and therefore, taking effect between such nations only as have agreed to control it."

If the gentleman will examine the treaties to which he has adverted, the commercial treaty of Utrecht, between England and France, (which, by the bye, the house of commons refused to sanction,) and the subsequent treaty of Mr. Pitt, in 1786, he will find the language on this head unequivocal. The arrangement is declared to be made with a view to prevent the embarrassments and dissensions that would arise without such an arrangement; or, in other words, from the application of the principles of the common law of nations. Nor is it at all strange, that Britain, in a com-

mercial treaty, from which she expected to derive immense advantage, should acquiesce in such an arrangement as between her and France. For it is obvious that no practical effect would result from it, except when one was at peace and the other at war. And such a state of things has so rarely happened, that its occurrence might be numbered among political impossibilities. The "no search" clamor in England of 1737, which the gentlemen have produced the parliamentary debates to prove, had about as much to do with the belligerent right to capture enemy's property conveyed in neutral ships, as the "no search" cry made about thirty years afterwards, in the case of John Wilkes and general warrants. The dispute of 1737, with Spain, grew out of a municipal claim asserted by that government, and of the rigorous practice of their *Guarda Costas* to search British vessels hovering on the coasts of the Spanish colonies for prohibited articles designed to be smuggled into them. A claim said to be repugnant to the treaty of Seville, and certainly very inconvenient to the illicit trade between Jamaica and the Spanish main; and a practice enforced with all that barbarity which usually characterizes the minions of custom-house and revenue tyrants. How far the establishment of the gentleman's project would be beneficial to this country is, perhaps, not so clear. At a time when we had no capital to afford employment to our navigation, it certainly would have been advantageous. But, since that period has passed away, the most enlightened commercial men will tell you, they wish for no such innovation. Its effect would be, to give us, when neutrals, the benefit of being among the carriers of the commodities of the weaker maritime belligerent for freight. But the effect of the old principle is to give us the profit which results, not merely from the carriage, but the purchase and resales of these commodities, with almost a monopoly in either market.

The gentleman from Pennsylvania has assigned another cause for the war, in which he has obtained the



concurrence of several of his friends—the instigation, by the British government, of Indian wars. Although, sir, this theme of popular declamation has almost become trite; although the tomahawk and the scalping knife have been so often brandished with rhetorical ambidexterity, that their exhibition almost ceases to excite interest, yet far be it from me to think or speak lightly of the cruelties of savage warfare, or to conceal my utter abhorrence and detestation of them. But it is a different, very different question, whether the Canadians have armed the Indians to join in defence against a common invader, or had, previously to war, instigated them to hostilities against us. This last charge I do not believe—no evidence has been given to warrant it, that I have yet heard. Over the affair of Tippecanoe, the commencement of Indian war, there hovers a mystery which ought to be dissipated, but which the government will not dispel. I have sought, honestly sought, for information. Of official there is little or none. From private sources, not likely, in this respect, to mislead, (for they are friendly to this war, and connected with the western interest and feeling,) I learn, that the great cause of Indian hostilities is to be found where experience and history would prompt us to look for it—is to be found in our cupidity for their lands, and their jealousy and distrust of our superior intelligence and force. Indian wars have been, until a few years back, almost uninterrupted in this country, both before and since the revolution. They need no other instigations than are to be found in the inconsistent views, interests, claims, passions and habits of neighboring, yet distinct races of people.

Sir, general Harrison's treaty of November, 1809, was the mine of the great Indian explosion. The Indians complained, I know not how justly, that in that treaty they were cheated of lands which the parties to it had no right to convey, and never meant to convey. There are gentlemen in this legislature who know that Tecumseh immediately afterwards avowed his fixed purpose to vindicate by force and by a union of the

red men, the rights of his tribe and the menaced independence of the whole race. And we all know, (the fact is on record,) that shortly after this treaty by the British, the governor-general of Canada caused it to be officially communicated to the government of the United States, that the Indians were meditating hostile designs.

Sir, the holy command "thou shalt not bear false witness against thy neighbor," applies even to an enemy. I will not sanction this charge without evidence, nor against evidence, lest I violate this high injunction. I am not a disciple of that new moral school which would construe this divine prohibition, as the gentleman from Tennessee, (Mr. Grundy,) has expounded the commandment, "Thou shalt not kill," as a "mere municipal regulation applying solely to the Jews." But this war, say its advocates, nearly one and all, was declared to protect our seamen against impressment—in fashionable phrase, for 'sailors' rights.' There is no doubt, sir, that the conflicting claims of the two countries on the subject of seamen, and the occasional abuse of the practice of search for British seamen on board of American merchantmen, had excited serious dissatisfaction in America—yet I hazard nothing by the assertion, that the question of seamen was not the cause of this war.

[Mr. Gaston observed, that although sailors' wrongs were very conspicuously blazoned in the President's war message, and in the manifesto of the committee of Foreign Relations, it proved no more than that when war was determined on, it was deemed advisable to make out as strong a case as possible. He said, that more than five years since, an arrangement on this question, perfectly satisfactory to our minister, had been made with Great Britain, which did not please the President and was rejected; that during the whole period that afterwards elapsed, until the declaration of war, no second effort was made to adjust the cause of controversy; that the avowed cause of the commercial war, which we had waged against Great Britain,

through all its stages of embargo non-intercourse or non-importation, was the orders in council; that the question of seamen was not included in the famous arrangement with Erskine in 1809; that even in the President's communication to Congress, November, 1811, in which he enumerated our controversies with Great Britain, and recommended preparation for war, the impressment of seamen was not remembered; and that in the official communication of the government to our minister in Russia, stating the fact of the declaration of war and alleging its justification with a view of its being communicated to the Russian government, this justification was based solely on the British orders in council.]

These, then, were emphatically and exclusively the cause of war. And had it not been for very many weighty considerations, to be found in the state of the world, in the nature of the war in Europe, out of which proceeded this violation of neutral rights; in the conduct of the other mighty belligerent, her injuries, her menaces and intrigues, and in the peculiar condition of this country, actually growing into unexampled prosperity, under the very state of things of which we complained—had it not been for these, and considerations like these, that, trumpet-tongued, warned us from the gulf into which we were about to plunge, the orders in council would have justified the resort to war. At all events, they formed what might be termed a sufficient technical cause of hostilities, much better than often figures, with conspicuous effect, in the manifestos of princes, under the specious names of justice, independence and violated rights. But, sir, scarcely had the fatal step been taken, and the destinies of our nation risked on the fortune of the sword, when the obnoxious orders were revoked. the causes of war removed, and an honorable opportunity afforded of returning to the happy state of peace, commerce and successful enterprise. How grateful must not the executive of a country, whose policy was fundamentally pacific—how grateful must it not have been for this

happy rescue from the horrors of war! How rejoiced, that all had been effected without a struggle, which it was the object to obtain by a bloody and precarious contest! Exulting to show, that when it unsheathed the sword, no passion but duty urged the reluctant deed, surely it hastened to return the unstained weapon to the scabbard, and extended the blessed olive-branch of peace. Was it so?—Sir, I never can think of the conduct of the executive upon this occasion, without mingled feelings of surprise, regret and anger. It cannot be accounted for but by an infatuation the most profound—an infatuation, which is not yet dissipated, and which should fill every breast with apprehensions of that dreadful result, which, in the wisdom of Providence, is preceded by the “darkened councils” of rulers. But it is entirely a mistake, says the gentleman from Pennsylvania. The orders in council never were revoked; they were indeed withdrawn, but under a declaration, asserting the right to re-enact them, should the violence of France, acquiesced in by America, renew the necessity for them. Will the administration, sir, bring forward this excuse? Will they take this ground? No, sir, they cannot, they dare not. The President has told the nation, that the revocation of the orders was substantially satisfactory; in his peculiar phraseology, “the repeal of the orders in council was susceptible of explanations meeting the just views of the government.” How could he do otherwise after his proclamation of the 2d of November, 1810, declaring the French edicts so revoked as to cease to be injurious to our rights; a proclamation founded solely on the letter of the duke de Cadore, of the 5th August, promising a revocation. Does the gentleman recollect the celebrated ‘*Bien entendu*,’ or proviso annexed to this letter: “Provided, that in consequence of this declaration, the British government shall revoke their orders in council, and renounce their new principles of blockade, or America shall cause her rights to be respected, conformably to the act which you have communicated?” Does the gentleman remember the

tortuous and labored efforts of Mr. Secretary Monroe, to explain this proviso into a condition subsequent? To prove that it was designed only to exert the right of France to re-enact these decrees if Britain should persist in her orders, and we forbear from resisting them? Such a condition, subsequently annexed to a promised revocation of the French decrees, had no effect to impair its force—but the same annexed in terms to the actual revocation of the British orders, renders it entirely null! No, sir, the executive cannot take this ground; his direct friends will not take it for him. In the emphatic language of the eloquent Junius, this would, indeed ‘resemble the termigant chastity of a prude, who prosecutes one lover for a rape, while she solicits the lewd embraces of another.’

But can it be urged, say the gentlemen, that the revocation of the orders in council removed all our causes of complaint, and left us nothing more to demand of the enemy? No, sir, this is not urged. But it is contended, that as the revocation of the orders in council removed the cause of war, hostilities should instantly have been suspended, and a fair, manly effort made to settle by negotiation, all unadjusted differences which had not caused the war. A question of much importance and delicacy remained to be settled in relation to the search for British seamen on board our merchant vessels, and the occasional impressment of Americans. Under every administration of our country, this question had excited great interest and been attended with much difficulty. Of late, indeed, it had in some degree lost its interest, and partly because of the comparative rare occurrence of the practice. The restrictive anti-commercial system had expelled native and foreign seamen in vast numbers from our country, and almost removed the temptations to an exercise of what the British claimed as a maritime right. For five years before the war, the dispute had, in fact, slept. Subjects more important, pressed themselves on our nation, and while these pressed, that was postponed as a matter for future arrangement. But

out of these new subjects a controversy arose which issued in war. It had scarcely been declared before the matter in controversy was arranged to our satisfaction, by the voluntary act of the enemy. What was our plain, obvious course—the course of duty and of policy? Sheath the sword until it is ascertained whether the dispute, which has been laid aside for future arrangement, and which, in consequence of the adjustment of more pressing concerns, is now properly presented to notice, can or cannot be amicably settled. Even tyrants pronounce war the “*ultima ratio regum*,” the last resort of princes. Nothing can justify the exercise of force but the inability to obtain right by other means.

You had not supposed your just claims on the subject of seamen unattainable by negotiation, or you would not have reserved them for years as a subject for negotiation—and if they be thus attainable, how will ye answer to God and the country for the blood and treasure uselessly, criminally expended? This mode of thinking, sir, seems to me very straight, and quite in accordance with good old notions of practical morality; besides, it is the incumbent duty of him, who seeks justice, first to render it.

Whatever our claims on Great Britain might have been in relation to seamen, she was not without her claims on us. At a time when her floating bulwarks were her sole safeguard against slavery, she could not view, without alarm and resentment, the warriors who should have manned those bulwarks pursuing a more gainful occupation in American vessels. Our merchant ships were crowded with British seamen; most of them deserters from their ships of war, and all furnished with fraudulent protections to prove them American. To us they were not necessary; they ate the bread and bid down the wages of native seamen whom it was our first duty to foster and encourage. To their own country they were necessary, essentially necessary. They were wanted for her defence in a moment of unprecedented peril. Ought we not, then.

while seeking to protect our own seamen from forced British service, to have removed from her seamen the temptation to desert their country and to supplant ours at home! Why need I ask the question? Your seaman's bill, as it is called, enacted into a law since the war, is an acknowledgment that this ought to have been done: however deceptive some of its provisions may appear, its very principle is to restore to Britain her seamen, and save our own from her service. Unless you believed this principle right, it was the meanest of degradations at such a time to pass such a law; and if it was right, then you had justice to render, as well as to seek. Had you pursued this plain path of right, had you suspended hostilities, you would have consulted also the true policy of your country. An unconditional proposition for an armistice upon the revocation of the orders, or an unconditional acceptance of the offer of an armistice would have passed for magnanimity. The disgraces which have since foully distained our military character were not then anticipated. The world would have believed, your enemy would have believed, that you suspended your career of conquest because the war had owed its origin not to ambition, but to duty—because you sought not territory, but justice—because you preferred an honest peace to the most splendid victory. With the reputation of having commanded, by your attitude of armor, a repeal of the offensive orders, you would have evinced a moderation which must have secured the most beneficial arrangements on the question of seamen.

But, sir, this was not done. No armistice could obtain the approbation of the executive, unless it was preceded by an abandonment, formal or informal, of the British claim to search for their seamen on board our merchant vessels. As an evidence of this abandonment, the exercise of the claim must, by stipulation, be suspended during the armistice, and this suspension was to be the price of its purchase. Even without an armistice, no 'arrangement' was to be deemed a fit subject for negotiation, which should not

be predicated on "the basis" of an exclusion from our vessels, by our laws, of their seamen, and an absolute prohibition of search by their officers. This, sir, was taking very lofty ground: but at that moment the Canada fever raged high, and the delirium of foreign conquest was at its acme. In a few weeks the American flag was to wave triumphant on the ramparts of Quebec. The proposition for an armistice from the government of Canada was utterly inadmissible. In the language of our secretary of state, it wanted reciprocity. "The proposition is not reciprocal, because it restrains the United States from acting where their power is greatest, and leaves Great Britain at liberty, and gives her time to augment her forces in our neighborhood."

Mr. Russell did condescend to offer an armistice to the enemy, upon the condition of yielding as preliminary, even a suspension of arms, all that could be extorted by the most triumphant war. But even he, in his pacific proposition, could not refrain from exulting at the glorious conquests, that would inevitably be made if submission was refused or delayed. "Your lordship is aware of the difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries; alliances or conquests on terms which forbid their abandonment, will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated. I cannot forbear, sir, from one remark at the 'awful squinting' in this letter, at an alliance with France. Gentlemen are sensitive when the possibility of such a connexion is intimated. The very suspicion of such a design in the cabinet is viewed as a calumny. Here the accredited agent of the American executive proclaims such a connexion, such an alliance as inevitable—proclaims it in an official communication to the public enemy. The declaration is laid before Congress and the people, by the President, unaccompanied by any disavowal. The minister is not censured.



For his very conduct in this employment, he is raised to the highest grade of foreign ministers; and, in spite of the reluctance of the senate to confirm his nomination, he is pressed upon them by the President until their assent to his appointment is extorted. I dwell not upon this topic, for I confess to you the honest fears which once congealed my heart, are now dissipated. The sun of national freedom has burst forth from behind the portentous eclipse that "with fear of change" had perplexed the darkened world. Napoleon, no longer invincible, stripped of the false glare which splendid crime threw around his character, is no longer eulogized as "supereminent," but denounced by the champions of administration as a "usurper." No one courts the friendship of a fallen tyrant!

It is not for me to say in what manner the dispute about seamen is to be settled. On this subject I have no hesitation, however, in giving my general sentiments. It is the duty of this government to protect its seamen, (I mean its native seamen,) from the forced service of any and every power on earth, so far as the strength of the country can obtain for them protection. True it is, that in my opinion the number of impressed Americans bears no reasonable proportion to the number alleged.

[Mr. Gaston here stated some facts which went to prove that the number of impressed seamen was greatly overrated.]

But their number has been large enough to render the grievance a serious one; and be they more or less, the right to the protection of their country is sacred and must be regarded. The government would forfeit its claims to the respect and affection of its citizens, if it omitted any rational means to secure the rights of American seamen from any actual violation. Seek to obtain this security by practical means. If you cannot by substitute obtain an abandonment of the right or practice to search our vessels, regulate it so as to prevent its abuse—waiving for the present, not relinquishing your objections to the right. Do all that can fair-

ly be asked of you to supersede the necessity of the practice. When this is done, and you should nevertheless fail; when war is rendered necessary to obtain a practical and reasonable security for American seamen against the abuses of impressment, then, sir, that war is just. Whoever may question its expediency, none, who admit that wars may ever be justly waged, can feel any conscious scruples in yielding it support.

This, sir, is no late opinion of mine. It has been long and publicly avowed; not indeed as a pledge to my constituents, as my friend and colleague (Mr. Murphy,) has remarked—we do not deal in pledges—but because it is my habit to be frank when no duty commands concealment. Nor is it strange that I should feel attached to the rights of American sailors. I am a native of the sea-board. Many of the playmates of my infancy have become the adventurous ploughmen of the deep. Seafaring men are among my strongest personal and political friends. And for their true interests—their fair rights, I claim to feel a concern as sincere, and a zeal as fervent as can be boasted by any gentleman from the interior, or from beyond the mountains, who has heard of them but known them not.

Has the prosecution of your scheme of invasion and conquest against the Canadas a tendency to secure these rights and advance these interests? That, sir, is a momentous question, on which it is the duty of every man in authority to reflect dispassionately, and with a fixed purpose to attain the truth. Unless this tendency be manifest, and morally certain, every motive, which can be addressed to an honest heart and intelligent mind, forbids its prosecution at the present moment. Make a fair comparison of its certain or probable ills with its possible gains, and then pronounce the sentence which justice, humanity and policy demand; and a suffering nation will bless your decision.

It is not my design to consider the immense expenditure which this scheme has cost, and which a continuance of it will cost to this country. Well worthy is this topic of consideration. especially at a moment

when industry is without encouragement, and external revenue is utterly destroyed. But it has been examined with great ability by gentlemen who have preceded me, especially by the gentlemen from Connecticut and Virginia, (Mr. Pitkin and Mr. Sheffey,) and contenting myself with an earnest request, that their remarks be not forgotten, and that in your zeal for conquest, you do not beggar your people, I hasten to present other views which have not been so fully unfolded.

There is something in the character of a war made upon the people of a country, to force them to abandon a government which they cherish, and to become the subjects or associates of their invaders, which necessarily involves calamities beyond those incident to ordinary wars. Among us some remain who remember the horrors of the invasion of the revolution; and "others of us have hung with reverence on the lips of narrative old age, as it related the interesting tale." Such a war is not a contest between those only who seek for renown in military achievements, or the more humble mercenaries "whose business 'tis to die." It breaks in upon all the charities of domestic life, and interrupts all the pursuits of industry. The peasant quits his plough, and the mechanic is hurried from his shop to commence, without apprenticeship, the exercise of the trade of death. The irregularity of the resistance which is opposed to the invader, its occasional obstinacy and occasional intermission, provoking every bad passion of his soldiery, is the excuse for plunder, lust and cruelty. These atrocities exasperate the sufferers to revenge; and every weapon which anger can supply, and every device which ingenious hatred can conceive is used to inflict vengeance on the detested foe.

There is yet a more horrible war than this. As there is no anger so deadly as the anger of a friend, there is no war so ferocious as that which is waged between men of the same blood, and formerly connected by the closest ties of affection. The pen of the historian confesses its inability to describe, the fervid

fancy of the poet cannot realize, the horrors of a civil war. This invasion of Canada involves the miseries of both these species of war. You carry fire and sword amongst a people who are "united against you," say your generals, "to a man"—amongst a people who are happy in themselves, and satisfied with their condition, view you not as coming to emancipate them from thralldom, but to reduce them to a foreign yoke—a people long and intimately connected with the bordering inhabitants of our country by commercial intercourse, by the ties of hospitality, by the bonds of affinity and of blood—a people, as to every social and individual purpose, long identified with your own. It must be that such a war will rouse a spirit of sanguinary ferocity, that will overleap every holy barrier of nature and venerable usage of civilization. Where will you find an authenticated instance of this ferocity, that more instantaneously compels the shuddering abhorrence of the heart, than the fact asserted by my eloquent friend from New Hampshire, (Mr. Webster,) "the bayonet of the brother has been actually opposed to the breast of the brother." Merciful heaven! that those who have been rocked in the same cradle by the same maternal hand—who have imbibed the first genial nourishment of infant existence from the same blessed source, should be forced to contend in impious strife for the destruction of that being derived from their common parents! It should not be so! Every feeling of our nature cries aloud against it!

One subject is intimately connected with this Canadian war, which demands the most thorough and deliberate examination. I tremble to approach it thus incidentally, lest I injure the cause of humanity and truth, by a cursory vindication. And yet I dare not altogether omit it, because I fear an opportunity of full consideration will not be presented, and it is of an urgency and a magnitude that forbid it to be overlooked. I mean, sir, the falsely called system of retaliation, which threatens to impart to the war a character of barbarity which has not its parallel in the modern an-

nals of Christendom. Twenty-three persons of your invading army, who were taken prisoners by the enemy at the battle of Queenstown, in Canada, have been sent to England as British subjects, to be tried for treason. To deter the enemy from executing the law upon these unhappy men, our executive has ordered into close custody, an equal number—not of American citizens invading our country, (this would, indeed, be retaliation,)—but of British prisoners, who have committed no crime. It is avowed that these shall be put to instantaneous death, if the men sent to England should be convicted and executed. The British government has proceeded in return, to confine a corresponding number of Americans, as hostages, for the safety of these British prisoners, under the same determination and avowal. This has been again retaliated on our side, and the retaliation retorted by the enemy; so that an indiscriminate and universal destruction of the prisoners on each side is the menaced consequence of the execution of one of the presumed Englishmen, ordered home for trial. Before we enter upon this career of cold-blooded massacre, it behoves us, by every obligation which we owe to God, to our fellow-men, and to ourselves, to be certain that the right is with us, or that the duty is imperative. If in a moment of excited feeling we should heedlessly enact the fatal deed which consigns thousands of the gallant and the brave Americans and Britons to an ignominious death, and should afterwards discover that the deed was criminal; that the blood of the innocent is upon us, and the cries of their fatherless infants have ascended against us to the throne of the Most High; how shall we silence the reproaches of conscience; how atone for the wide spread and irreparable mischief; or how efface from the American name, the infamous stain that will be stamped upon it? With motives thus awfully obligatory to a correct decision, we are in imminent danger of error, from causes of which we are not aware. A portion of our population. inconsiderable in number. as compared with the

whole mass, but influential, because of their activity, violence, boldness, and their control of the popular presses—I mean, sir, that part of naturalized citizens, who, not content with pursuing the private occupations of industry, undertake to manage the affairs of state, or teach us how they should be managed, have systematically and zealously labored to disseminate false principles, and excite prejudices and passions calculated to mislead the public mind.

[Mr. Gaston proceeded to examine upon what foundation rested the right to put our prisoners to death, in revenge for the execution of the men who were to be tried in England for treason; and what was the effect of naturalization in severing the ties which bind a man to his native country, and in requiring, as against its claims the protection of his adopted country. He showed, that according to the established laws of England and France, and of all the United States, with the exception of Virginia, no man could exempt himself from the obligation not to make war against his country.]

This law against the alienation of allegiance is no relict of tyranny; it is founded in the analogy of nature, and essential to the harmony of the world. There is a striking similitude between the duties of a citizen to his country, and those of a son to his father. Indeed, sir, what is the word country but a comprehensive phrase, embracing all those charities which grow out of the domestic relations of parents, children, kindred and friends? When the boy has attained manhood, and the father's care is no longer necessary to guard him from daily harms, he is at liberty to quit the parental roof, to become the inmate of another family, there form connexions essential to his happiness, and take upon himself obligations of respect and tenderness, as the adopted son of other parents. But is nature's first great bond utterly severed? Can he return at the bidding of his new friends, ravage and destroy the home of his childhood, and pollute it with the life-blood of those from whom he

received life? Would this be but an ordinary trespass, a common homicide, which provocation might extenuate, excuse, or even justify? An association, sir, formed by a resurrection of the wretches who have died on the gibbet, would disdain such a principle in their code. What is the jargon of modern expatriation but the same principle interpolated into the code of nations? The peace and independence of every state, and of none more than ours, demand that the citizen should not be released from the just claims of his country by the interference of foreign powers. Give to such interference the effect, and every nation is made dependent upon the arbitrary exercise of a foreign right to control and regulate its vital concerns. The Spanish dominions to the south, and the British territories to the north, have tempted from us many of our boldest spirits. Let them go—let them there enjoy every privilege, if they can find it, which in our happy country is given to the fugitive European; every privilege which is essential to their comfort. Let them pursue, in tranquillity, their industrious occupations—realize the profits of enterprise, and be protected from every invasion of individual right. In return for these advantages, let them, like the Europeans whom we naturalize, render a cheerful obedience to the laws, perform every social duty which is assigned to them, and contribute to the support of the government a fair proportion of their gains. But permit them not to forget the country which gave them birth and protected their infancy. Suffer them not with impunity to be converted into hostile tribes, whose numbers may be swelled from day to day by the factious, the restless, and the criminal, who have but to pass an ideal line, and the duty of obedience is converted into the right to destroy. Unless I am greatly deceived, the law of England must be suffered to have its course with the individuals, if natives of England, and migrating to us since the revolution, who are sent thither for trial. Whether they ought to be executed, if convicted, is a very different

question. Considering the intimate connexion which common origin, language and manners, and a long and intimate commerce has heretofore induced between the countries, and the consequent interchange of their inhabitants; remembering, too, that general laws are often cruel in their application to particular cases, the executive authority in that country is bound by the strongest motives to consult the dictates of humanity, and forbear the too rigorous exercise of right. But if these considerations should not there prevail, and the severe penalty of the law of treason is exacted, as of right it may be, shall we, without right, without the semblance of law, coldly murder those who are in our power, who have committed no treason against us, and against whom crime is not pretended? Is this called retaliation? Britain executes British traitors serving in the American army, regularly tried and convicted of treason, and we, in return, execute—whom? American traitors, serving in the British army, and convicted of treason? No, but faithful, loyal men, bearing arms in the cause of their native country! tried by no law! offenders against no law! Sir, the pretension is monstrous. I have met with no instance of such a pretension being ever asserted in a civilized country. Did Philip, of Spain, retaliate in this way for the execution of Dr. Story? Did France retaliate for the execution of colonel Townly? Did Britain thus retaliate for the execution of the French emigrants taken at Quiberon? I have heard it said, that Napper Tandy, an Irishman, naturalized in France, was surrendered upon a threat of retaliation from France. I doubt the fact; the only evidence of it is in a note to an evidently partial and one-sided account of his trial, in a collection of Curran's Speeches. In no authentic register have I been able to find it. But if it were true, the note itself states, that the ground on which he was demanded, was not that he had been naturalized by France, and therefore not liable to be executed for treason; but because he had been un-



justly seized at Hamburg, in neutral territory, and ought to be returned. The bold Wolfe Tone, Tandy's associate, and, like him, an officer of France, but not like him, arrested in a violated neutral territory, was neither demanded nor delivered. Condemned to death, he changed the mode of its execution by committing suicide. And shall my country, claiming to excel in humanity, as it excels in freedom, the nations of Europe, shall it be the first to avow a monstrous, unfounded pretension, and vindicate it by innocent blood? Shall it teach a lesson of barbarity to the hardened chieftains of slaughter, of which they were before ignorant? Shall it seek to protect foreigners from the vengeance of their sovereigns, at the cost of immolating its own citizens? Shall it doom a revolutionary Winchester, or a gallant Winder, to a shameful death, because it cannot save alien traitors from their legal fate?

Think, for a moment, sir, on the consequences, and deem it not unworthy of you to regard them. True courage shuts not its eyes upon danger, or its result. It views steadily, and calmly resolves whether they ought to be encountered. Already has the Canadian war a character sufficiently cruel, as Newark, Buffalo and Niagara can testify. But when the spirit of ferocity shall have been maddened by the vapor steaming from the innocent blood that shall stagnate around every depot of prisoners, then will it become a war, not of savage, but of demoniac character. Your part of it may, perhaps, be ably sustained. Your way through the Canadas may be traced afar off, by the smoke of their burning villages. Your path may be marked by the blood of their furious peasantry. You may render your course audible by the frantic shrieks of their women and children. But your own sacred soil will also be the scene of this drama of fiends. Your exposed and defenceless seaboard, the seaboard of the south, will invite a terrible vengeance. That seaboard which has been shamefully neglected, and is at this moment without protection, has been already invaded. But an invasion, after the war shall

have assumed its unmitigated form of carnage, and woe, and wickedness, must be followed with horrors which imagination can but faintly conceive. I will not trust myself to tell you all I feel, all my constituents feel, upon this subject; but I will say to the gentleman from Pennsylvania, that when he alludes to the probability that an intestine foe may be roused to assassination and brutality, he touches a chord that vibrates to the very heart.

Yes, sir, I live in a state whose misfortune it is to contain the materials out of which may be made such a foe—a foe that will be found everywhere—in our fields, our kitchens and our chambers; a foe, ignorant, degraded by habits of servitude, uncurbed by moral restraints, whom no recollections of former kindness will soften, and whom the remembrance of severity will goad to phrenzy; from whom nor age, nor infancy, nor beauty, will find reverence or pity; and whose subjugation will be but another word for extermination. Such a foe, sir, may be added to fill up the measure of our calamities. Let me not be misunderstood; let no gentleman misconceive my meaning. Do I state these consequences to intimidate or deter you? I think better of my countrymen. I hope and believe, in the language of Wilkinson to Provost, the Americans will not be deterred from pursuing what is right, by any dread of consequences. No, sir, I state them to rouse your attention and waken your scrutiny into the correctness of the course you are pursuing. If, on mature deliberation, you are sure that you are right, proceed, regardless of what may happen.

*Justum et tenacem propositi virum—*

*Si fractus allabatur orbis,*

*Impavidum ferient ruinæ.*

The man resolv'd and steady to his trust,

Inflexible to ill, and obstinately just;

\* \* \* \* \*

From orbs convuls'd should all the planets fly,

World crush on world, and ocean mix with sky;

He, unconcern'd, would view the falling whole,

And still maintain the purpose of his soul.

But reflect well, I conjure you, before reflection is too late. Let not passion or prejudice dictate the decision. If erroneous, its reversal may be decreed by a nation's miseries, and by the world's abhorrence.

Mr. Chairman, turning from the gloomy view of the effects of the Canada war, my attention is arrested by another consequence likely to follow from it, on which I will not long detain you, but which is not less interesting nor less alarming. In proportion as gentlemen become heated in their pursuit of conquest, and are baffled in their efforts to overtake it, the object becomes more valuable in their estimation, and success is more identified with their pride. The conquest of Canada, contemplated as an easy sport, without a fixed design to keep it to secure, or surrender it to purchase rights, has from its difficulty swelled into an importance which causes it to be valued above all rights. Patriotism was relied on to fill the ranks of the invading army; but it did not sufficiently answer the call. These ranks, however, must be filled. Avarice is next resorted to. The most enormous price is bid for soldiers, that was ever offered in any age or country. Should this fail, what is the next scheme? There is no reserve or concealment. It has been avowed that the next scheme is a conscription. It is known that this scheme was recommended, even at this session by the war department; and that it was postponed only to try first the effect of enormous bounty. The free-men of this country are to be drafted from the ranks of the militia, and forced abroad as military machines, to wage a war of conquest! Sir, I have been accustomed to consider the little share which I have in the constitution of these United States, as the most valuable patrimony I have to leave to those beings in whom I hope my name and remembrance to be perpetuated. But I solemnly declare, that if such a doctrine be ingrafted into the constitution, I shall regard it as without value, and care not for its preservation. Even in France, where man, inured to despotism, has become so passive and subservient, as almost to lose the facul-

ty of feeling oppression, and the capacity to perceive it, even there, sir, the tyranny of conscription rouses him to the assertion of his innate freedom, to struggle against slavery in its most malignant form. No, sir, not the dread of all the severe punishments ordained for refractory conscripts, not the "peine du boulet," the "travaux publiques," nor death itself, can stupify him into seeming submission. He yields only to absolute force, and is marched to the field of glory manacled and handcuffed. And is such a principle to be introduced into our benign, our free institution? Believe me, the attempt will be fatal—it cannot succeed but by military terror. It will be the signal for drawing the sword at home.

Americans are not fitted to be the slaves of a system of French conscription, the most detestable of the inventions of tyranny. Sir, I hear it whispered near me, this is not worse than the impressment of seamen. It is worse, infinitely worse. Impressment forces seamen to serve in the public ships of their country, instead of pursuing their occupation in the merchant service. It changes their employment to one more rigorous, of longer continuance, of greater danger. But it is yet employment of the same kind. It is yet employment for which they are fitted by usage and education. But conscription is indiscriminate in the victims of its tyranny. The age, not the pursuit of the conscript, is the sole criterion of his fitness. Whatever be his habits, whatever his immediate views, whatever his designed occupation in life, a stern mandate tears him from the roof of his father, from the desk, the office, the plough, or the workshop, and he is carried far from home to fight, in foreign climes, the battles of ambition.

But, sir, if conscription were not worse than impressment, I should not lose my objection to it. I am not prepared to assent to the introduction of either conscription or impressment into my country. For all the British territories in the western world, I would not fight for sailors' rights—yet rivet on our citizens a

French conscription! Fight for rights on the ocean, and annihilate the most precious of all rights at home—the right of a freeman never to be forced out of his own country! How alarming is the infatuation of that zeal, which, in its ardor for attaining its object, tramples in the dust objects of infinitely higher price?

What is the probability of success in this scheme of conquest, is a topic on which I mean not to enlarge. It is not necessary that I should, for others have ably discussed it. That you may take Upper Canada, that you may overrun the lower province I believe; but that you will take Quebec, while the mouth of the St. Lawrence is commanded by a hostile fleet, I cannot believe; if an opposite thought gets possession of my imagination, I find it springing from that impulse of the heart which makes me fancy victory perched on the standard of my country, and not the result of an exertion of the understanding. But, sir, if you should conquer the Canadas, subdue Nova Scotia, and possess yourself of all the British territories in America; if, after impoverishing your country by ruinous loans and grinding down your people by oppressive taxes, you should wade at last through the horrors of invasion, massacre of prisoners, a servile war, and a military conscription to the now darling object of your wishes, I pray you, sir, what is then to be done? What do you design to do with the conquered territory? We will keep it, say the gentlemen from Vermont and Pennsylvania, (Mr. Bradley and Mr. Ingersoll.) We will keep it, because it is an object with our people, because it will keep off Indian wars, and retribute us for the wrongs we have sustained. I believe, indeed, that, if conquered, there will be a powerful party to the north and west that will not consent to part with it, with whom it is an object. But how shall it be kept? As a conquered province? To retain it as such against the efforts of an exasperated, though conquered people within, and the exertions of a powerful, proud and irritated enemy without, that enemy master of the sea, always able to invade and succor the invaders, will re-

quire a military strength and a pecuniary expenditure not less continued or less in amount than were demanded to take it. Such a conquest is never finished; when nominally effected, it is to be begun. But we will incorporate it into the union—Aye, this would be indeed a pleasant result. Let my southern friends—let gentlemen who represent slave-holding states attend to this. How would this project take at home? What would their constituents give to have half a dozen new states made out of the Canadas? It is besides, so notable an expedient for strengthening the nation, and so perfectly in accordance with the principles of our form of government. We are to force men into an association the very life of which is freedom, and the breath of that life unrestrained choice! And to give vigor to the nation, we are to admit into its councils, and into a free participation of its power, men whose dislike of its government has been strengthened into abhorrence by the exasperations of war, and all whose affections are fixed upon its enemy! But at all events you are to keep the Canadas. What then, will you do about sailors' rights! You will not be a jot nearer to them than you are now—How will you procure them or seek to procure them? Will you then begin in good earnest to protect or obtain them by naval means? Would it not be advisable to attend to this declared object of the war now, rather than wait until after the Canadian scheme is effected!

Perhaps you mean to keep Canada and abandon sailors' rights. If so, why not avow to the people that it is conquest you fight for and not right? But perhaps it is designed, when the conquest is effected, to give it back to Britain as an equivalent for the cessation, on her part of some maritime right—for the privilege that our ships shall not be searched for British sailors. On this question you may make an arrangement practically securing all we ought now to contend for. You will, I hope, make it in the pending negotiation. But that by a surrender of Canada after it is conquered you may purchase from her a disavowal

or relinquishment of the right, no man can believe who understands either the views or the prejudices of that people. They believe the right essential to their naval existence, to deter their seamen from general desertion. All classes in that country so regard it—we know there is not a difference of opinion among any description of politicians in the kingdom upon this subject. If they have any jealousy of you, (and I believe some of them have,) it is not a jealousy of your territorial extent, but of your fitness to become their commercial and naval rival. Can it be believed then that they would compromise in a surrender of a claim, which, surrendered, in their judgment, weakens them, and invigorates you where alone they are apprehensive of a competition, for the sake of preventing an accession to your territory which extends your limits, while it takes away from your strength? Indulge no such delusion; were Canada a thousand times more important to Britain than it is, it were yet of less value than her naval power. For the sake of it she would never yield a principle on which that naval power depends. No, sir, the return of conquered Canada, even with the hoped for agency in your favor of the Russian emperor, would not weigh a feather in the scale against what she deems her first great national interest.

As it regards too these fancied exertions of Russia in our favor, gentlemen surely deceive themselves. However attached Russia may be to the most liberal principles of commercial intercourse, she never will array herself against the right of the sovereign to compel the services of his seafaring subjects. On this head her policy is not less rigorous, (to say the least,) than that of England. I will not be more particular. A short time will probably show the grounds of my belief.

But, sir, among the reasons for prosecuting the invasion of Canada, one has been gravely stated of a very peculiar kind. Canada, says a gentleman from South Carolina, (Mr. Calhoun,) should be invaded to protect our frontiers and seaboard from invasion—it

is the most economical and effectual method of defence. Although this consideration presents nothing very splendid to our view, yet it would be worth all other reasons for the invasion if it were founded on fact. But ask the people on your frontiers and on your seaboard, and what will they say? They will tell you, that it is the invasion of Canada alone which endangers them. The most effectual defence to them would be an abandonment of your scheme. Sir, an invasion of the United States, but for the purpose of diverting your forces from Canada or retorting on you the distresses of war, cannot enter into the scheme of British or Canadian policy. It is not to be prosecuted, but at vast inconvenience and expense, with great loss of useful soldiers, under a certainty of ultimate failure, and without hope of glory or gain. The Canadian yeomanry, freed from the terms of invasion, will cheerfully resume their peaceful occupations; and such of the British regulars as are not required for ordinary garrison duty, instead of being employed in a miserable, predatory, yet destructive border warfare, will be sent to mingle in the European strife where renown and empire are the mighty stake.

Surely this is emphatically the age and the government of paradox. A war for 'free trade,' is waged by embargo and prohibition of all commercial intercourse; 'sailors' rights' are secured by imprisoning them at home, and not permitting them to move from place to place within their prison but by a license from a collector like a negro's pass, and obtained on the security of a bondsman; and our frontiers and seaboard are to be defended by an invasion of Canada, which can alone endanger an attack!

But the real efficient argument for perseverance in the scheme of Canadian conquest has been given by the gentleman from Tennessee, (Mr. Grundy.) We made the war on Britain, says the gentleman, and shall we restrict ourselves to defensive measures? For what purpose was war declared if we do nothing



against the possessions of the enemy? Yes, sir, it is the consideration that this war was originally offensive on our side, that creates the, I fear, insuperable obstacle to our discontinuance of it.

It were vain to lament that gentlemen are under the influence of feelings which belong to human nature. It would be idleness to declaim against the sinfulness or the folly of false pride. All must admit that it is one of the greatest efforts of magnanimity to retrace a course publicly taken, and in the correctness of which reputation is staked. If honorable gentlemen could but perceive that this difficulty is one of pride only, and of pride opposing their country's best interests, I know that they could, and believe many of them would, make the effort. Painful as may be the acknowledgment of political error, yet, if they clearly saw that either this humiliation must be endured, or the nation ruined, they could not hesitate in their choice between such alternatives. But, sir, I wish not to present such alternatives to their election—so difficult is it to produce a conviction against which the pride of the heart rebels, that I will not attempt it. Gentlemen are not called on to retract. They may now suspend the execution of their scheme of invasion without an acknowledgment of its error. They may now, without humiliation, restrict themselves to defence, although the war was in its origin offensive. A second favorable opportunity is presented of restoring tranquillity to our once happy country. The first, the revocation of the orders in council, was suffered to pass unimproved. Let not this be lost; a third may not shortly occur. Your enemy has invited a direct negotiation for the restoration of peace. Your executive has accepted the offer, and ministers have been appointed to meet the commissioners of the opposite party. This circumstance ought to produce an entire and essential change in your policy. If the executive be sincere in the acceptance of this proposition, he must have acted on the hope that an amicable adjustment of differences might be made. And while

there is such a hope, such a prospect, on what principle can you justify invasion and conquest? Force is the substitute, not the legitimate coadjutor of negotiation. Nations fight because they cannot treat. Every benevolent feeling and correct principle are opposed to an effusion of blood, an extension of misery, which are hoped to be unnecessary. 'Tis necessity alone which furnishes their excuse: do not then, at the moment when you avow a belief, a hope at least, that such necessity exists not, pursue a conduct which, but for its existence, is inhuman and detestable. Besides, sir, if you are earnest in the wish to obtain peace from the Gottenburg mission, suspend in the meantime offensive operations, which cannot facilitate, and may prevent the accomplishment of your object. Think you that Britain is to be intimidated by your menaced invasion of her territories? If she had not learned by experience, how harmless are your threats, she would nevertheless see but little cause for fear. She knows that the conquest cannot be completed in one, nor in two campaigns. And when she finds that every soldier whom you enlist, is to cost you, in bounty alone, upwards of one hundred guineas, she will perceive that the war is more destructive to your finances, the great source of military strength, than to her territories. The blow aimed at her, recoils upon yourselves. But the exasperations which must result from the wrongs mutually inflicted in the course of the campaign, may have a very injurious effect upon the disposition to pursue pacific efforts. They will be apt to create a temper on each side, unfavorable to an amicable arrangement.

In truth too, sir, you are not prepared for such a campaign, as in honor and humanity you can alone permit yourselves to carry on. Suppose by the month of May or June, you raise your men. What are they? Soldiers, fitted to take care of themselves in camp, and support the reputation of your armies in the field? No; they are a mere rabble of war recruits: march them to Canada, and pestilence will sweep them off

by regiments and brigades, while the want of discipline will unfit those whom pestilence spares, for an honorable contest with an experienced foe. Instead, therefore, of the hurry and bustle of filling your ranks with recruits, and rushing with them into Canada, attend rather to the training and improvement of those now in the service. Make soldiers of them; by gradual enlistments you may regularly add to their number, and insensibly incorporate the new levies with the disciplined troops. If it should hereafter become necessary to march into the field, you will then have an army under your command, not a multitude without subordination. Suspend, therefore, hostilities while you negotiate. Make an armistice until the result of the negotiation is ascertained. You can lose nothing; you can gain every thing by such a course; then negotiate fairly, with a view to obtain for our native seamen a practicable and reasonable security against impressment, and with a disposition to aid Britain in commanding the services of her own. Such an arrangement might have been made on the revocation of the orders in council, could you have been then satisfied with any thing short of an abandonment of the British claim to search. I doubt not but that it may now be made; more you cannot probably obtain. The time may come, when, with greater effect, you can prefer, if necessary, higher claims. All is hazarded by precipitately urging more than your relative strength enables you to enforce. Permit your country to grow; let no just right be abandoned; if any be postponed, it may be advanced at a more opportune season, with better prospect of success. If you will quit this crusade against Canada, and seek peace in the spirit of accommodation; and (permit me to add) if you will forego your empiric schemes of embargo, and commercial restrictions, you will restore harmony at home, and allay that wide spread, and in some places alarming spirit of discontent that prevails in our land. And if your pacific efforts fail, if an obstinate and implacable foe will not

agree to such a peace as the country can with credit accept, then appeal to the candor and spirit of your people, for a constitutional support, with a full assurance that such an appeal, under such circumstances, cannot be made in vain.

It is time, Mr. Chairman, that I should release you from the fatigue of hearing me. There is but one more topic to which I solicit your attention. Many admonitions have been addressed to the minority, by gentlemen on the ministerial side of the House, not without merit, and I hope not without edification, on the evils of violent opposition and intemperate party spirit. It is not to be denied, that opposition may exceed all reasonable bounds, and a minority become factious. But when I hear it seriously urged, that the nature of our government forbids that firm, manly, active opposition, which, in countries less free, is salutary and necessary; and when I perceive all the dangers of faction, apprehended only on the side of a minority, I witness but new instances of that wonderful ductility of the human mind, which, in its zeal to effect a favorite purpose, begins with the work of self-deception.

Why, sir, will not our form of government tolerate or require the same ardor of constitutional opposition, which is desirable in one wherein the chief magistrate is hereditary? "Because," says the gentleman from South Carolina, (Mr. Calhoun,) "in a monarchy, the influence of the executive and his ministers, requires continual vigilance, lest it obtain too great a preponderance, but here the executive springs from the people, can do nothing without their support, and cannot therefore overrule and control the public sentiment." Sir, let us not stop at the surface of things, the influence of the executive in this country, while he retains his popularity, is infinitely greater than that of a limited monarch. It is as much stronger, as the spasm of convulsion is more violent than the voluntary tension of a muscle. The warmth of feeling excited during the contest of an election, and the natural zeal to up-

hold him whom they have chosen, create, between the executive and his adherents, a connexion of passion, while the distribution of office and emolument adds a communion of interest, which, combined, produce a union almost indissoluble. 'Support the administration,' becomes a watchword, which passes from each chieftain of the dominant party to his subalterns, and thence to their followers in the ranks, till the President's opinion becomes the criterion of orthodoxy, and his notions obtain a dominion over the public sentiment, which facilitates the most dangerous encroachments, and demands the most jealous supervision. In proportion as a government is free, the spirit of bold inquiry, of animated interest in its measures, and of firm opposition where they are not approved, becomes essential to its purity and continuance. And he, who, in a democracy, or republic, attempts to control the will of the popular idol of the day, may envy the luxurious ease with which ministerial oppressions are opposed and thwarted in governments which are less free.

Intemperance of party, wherever found, never will meet with an advocate in me. It is a most calamitous scourge to our country—the bane of social enjoyment, of individual justice, and of public virtue—unfriendly to the best pursuits of man, his interest and his duty; it renders useless or even pernicious the highest endowments of intellect, and the noblest disposition of the soul. But, sir, whatever may be the evil necessarily inherent in its nature, its ravages are the most enormous and desolating when it is seated on the throne of power, and vested with all the attributes of rule.

I mean not to follow the gentleman from South Carolina over the classic ground of Greece, Carthage and Rome, to refute his theory, and show, that not to vehement opposition, but to the abuse of factious and intolerant power, their doom is to be attributed. Nor will I examine some more modern instances of republics whose destruction has the same origin. The thing is no longer matter of discussion; it has passed

into a settled truth in the science of political philosophy. One, who, on a question of historical deduction, of political theory, is entitled to high respect, has given us an admirable summary of the experience of republics on this interesting inquiry. In the tenth number of the *Federalist*, written by Mr. Madison, we find the following apt and judicious observations—  
'By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community. The inference to which we are brought is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects. If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good and private rights gainst the dangers of such a faction, and, at the same time, to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add, that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.'

If this doctrine were, then, to be collected from the history of the world, can it now be doubted, since the experience of the last twenty-five years? Go to France, once Revolutionary, now Imperial France, and ask her whether factious power, or intemperate opposition, be the more fatal to freedom and happi-

ness? Perhaps at some moment when the eagle eye of her master is turned away, she may whisper to you, to behold the demolition of Lyons, or the devastation of La Vendee. . Perhaps she will give you a written answer—Draw near to the once fatal lamp-post, and by its flickering light, read it as traced in characters of blood that flowed from the guillotine—"Faction is a demon! faction out of power is a demon enchained! faction, vested with the attributes of rule, is a Moloch of destruction!"

Sir, if the denunciations which gentlemen have pronounced against factious violence, are not merely the image of rhetorical pomp, if they are, indeed, solicitous to mitigate the rancor of party feuds, in the sincerity of my soul, I wish them success.

It is melancholy to behold the miserable jealousies and malignant suspicions which so extensively prevail, to the destruction of social comfort, and the eminent peril of the republic. On this subject I have reflected much; not merely in the intervals stolen from the bustle of business, or the gaieties of amusement; but in the moments of "depression and solitude," the most favorable to the correction of error. For one, I am willing to bring a portion of party feeling and party prejudice, as an oblation at the shrine of my country. But no offering can avail any thing, if not made on the part of those who are the political favorites of the day. On them it is incumbent to come forward and set the magnanimous example. Approaches or concessions on the side of the minority would be misconstrued into indications of timidity, or of a hankering for favor. But a spirit of conciliation arising from those ranks would be hailed as the harbinger of sunny days, as a challenge to liberality, and to a generous contention for the public weal. This spirit requires not any departure from deliberate opinion, unless it is shown to be erroneous. Such a concession would be a dereliction of duty. Its injunctions would be few, and it is to be hoped not difficult of observance. Seek to uphold your measures by the force of argu-

ment, not of denunciation; stigmatize not opposition to your notions with offensive epithets. These prove nothing but your anger or your weakness, and are sure to generate a spirit of "moral resistance," not easily to be checked or tamed. Give to presidential views constitutional respect, but suffer them not to supersede the exercise of independent inquiry. Encourage instead of suppressing fair discussion, so that those, who approve not, may at least have a respectful hearing. Thus without derogating a particle from the energy of your measures, you will impart a tone to political dissensions which would deprive them of their acrimony, and render them harmless to the nation.

The nominal party distinctions, sir, have become mere cabalistic terms. It is no longer a question whether, according to the theory of our constitution, there is more danger of the federal encroaching on the state governments, or the democracy of the state governments paralyzing the arm of federal power. Federalism and democracy have lost their meaning. It is now a question of commerce, peace and union of the states. On this question, unless the honesty and intelligence of the nation shall confederate into one great American party, disdaining petty office-keeping and office-hunting views, defying alike the insolence of the popular prints, the prejudices of faction, and the dominion of executive influence—I fear a decision will be pronounced fatal to the hopes, to the existence of the nation. In this question, I assuredly have a very deep interest; but it is the interest of a citizen only. My public career I hope will not continue long. Should it please the disposer of events to permit me to see the great interests of this nation confided to men, who will secure its rights by firmness, moderation and impartiality abroad, and at home cultivate the arts of peace, encourage honest industry in all its branches, dispense equal justice to all classes of the community, and thus administer the government in the true spirit of the constitution, as a trust for the people, not as the



property of a party, it will be to me utterly unimportant by what political epithet they may be characterized. As a private citizen, grateful for the blessings I may enjoy, and yielding a prompt obedience to every legitimate demand that can be made upon me, I shall rejoice, as far as my little sphere may extend, to foster the same dispositions among those who surround me.

# **SPEECH OF WILLIAM PINKNEY,**

**ON THE**

**TREATY-MAKING POWER,**

**DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES, JANUARY 10, 1816.\***



**MR. CHAIRMAN,**

I INTENDED yesterday, if the state of my health had permitted, to have trespassed on the House with a short sketch of the grounds upon which I disapprove of the bill. What I could not do then, I am about to endeavor now, under the pressure, nevertheless, of continuing indisposition, as well as under the influence of a natural reluctance thus to manifest an apparently ambitious and improvident hurry to lay aside the character of a listener to the wisdom of others, by which I could not fail to profit, for that of an expounder of my own humble notions, which are not likely to be profitable to any body. It is, indeed, but too probable that I should best have consulted both delicacy and discretion, if I had forborne this precipitate attempt to launch my little bark upon what an honorable

\* A commercial convention between the United States and Great Britain; was signed at London. in July, 1815, and subsequently ratified by the President and Senate, by which it was stipulated that the discriminating duties on British vessels and their cargoes, then subsisting under certain acts of Congress, should be abolished, in return for a reciprocal stipulation on the part of Great Britain. On this occasion, a bill was brought into the House of Representatives to carry the convention into effect, specifically enacting the stipulations contained in the convention itself. This bill was opposed by Mr. Pinkney, in a speech containing a full discussion of the whole subject, both as connected with the law of nations and our own municipal constitution.—Wheaton's Life of Pinkney, p. 139.

member has aptly termed 'the torrent of debate' which this bill has produced. I am conscious that it may with singular propriety be said of me, that I am *novus hospes* here; that I have scarcely begun to acquire a domicile among those whom I am undertaking to address; and that recently transplanted hither from courts of judicature, I ought for a season to look upon myself as a sort of exotic, which time has not sufficiently familiarized with the soil to which it has been removed; to enable it to put forth either fruit or flower. However, all this may be, it is now too late to be silent. I proceed, therefore, to entreat your indulgent attention to the few words with which I have to trouble you upon the subject under deliberation.

That subject has already been treated with an admirable force and perspicuity on all sides of the House. The strong power of argument has drawn aside, as it ought to do, the veil which is supposed to belong to it, and which some of us seem unwilling to disturb; and the stronger power of genius, from a higher region than that of argument, has thrown upon it all the light with which it is the prerogative of genius to invest and illustrate every thing. It is fit that it should be so; for the subject is worthy by its dignity and importance to employ in the discussion of it all the powers of the mind, and all the eloquence by which I have already felt that this assembly is distinguished. The subject is the fundamental law. We owe it to the people to labor with sincerity and diligence, to ascertain the true construction of that law, which is but a record of their will. We owe it to the obligations of the oath which has recently been imprinted upon our consciences, as well as to the people, to be obedient to that will when we have succeeded in ascertaining it. I shall give you my opinion upon this matter, with the utmost deference for the judgment of others; but at the same time with that honest and unreserved freedom which becomes this place, and is suited to my habits.

Before we can be in a situation to decide whether

this bill ought to pass, we must know precisely what it is ; what it is not is obvious. It is not a bill which is auxiliary to the treaty. It does not deal with details which the treaty does not bear in its own bosom. It contains no subsidiary enactments, no dependent provisions, flowing as corollaries from the treaty. It is not to raise money, or to make appropriations, or to do any thing else beyond or out of the treaty. It acts simply as the echo of the treaty.

*Ingeminat voces, auditæque verba reportat.* It may properly be called the twin brother of the treaty ; its duplicate, its reflected image, for it re-enacts with a timid fidelity, somewhat inconsistent with the boldness of its pretensions, all that the treaty stipulates, and having performed that work of supererogation, stops. It once attempted something more, indeed ; but that surplus has been expunged from it as a desperate intruder, as something which might violate, by a misinterpretation of the treaty, that very public faith which we are now prepared to say the treaty has never plighted in any the smallest degree. In one word, the bill is a *fac-simile* of the treaty in all its clauses.

I am warranted in concluding, then, that if it be any thing but an empty form of words, it is a confirmation or ratification of the treaty ; or, to speak with a more guarded accuracy, is an act to which only, (if passed into a law,) the treaty can owe its being. If it does not spring from the *pruritas leges ferendi*, by which this body can never be afflicted, I am warranted in saying, that it springs from a hypothesis, (which may afflict us with a worse disease,) that no treaty of commerce can be made by any power in the state but Congress. It stands upon that postulate, or it is a mere bubble, which might be suffered to float through the forms of legislation, and then to burst without consequence or notice.

That this postulate is utterly irreconcilable with the claims and port with which this convention comes before you, it is impossible to deny. Look at it ! Has it the air or shape of a mere pledge that the President

will recommend to Congress the passage of such laws as will produce the effect at which it aims? Does it profess to be preliminary, or provisional, or inchoate, or to rely upon your instrumentality in the consummation of it, or to take any notice of you, however distant, as actual or eventual parties to it? No, it pretends upon the face of it, and in the solemnities with which it has been accompanied and followed, to be a pact with a foreign state, complete and self-efficient, from the obligation of which this government cannot now escape, and to the perfection of which no more is necessary than has already been done. It contains the clause which is found in the treaty of 1794, and substantially in every other treaty made by the United States under the present constitution, so as to become a formula, that, when ratified by the President of the United States, by and with the advice and consent of the senate, and by his Britannic majesty, and the respective ratifications mutually exchanged, it shall be binding and obligatory on the said states and his majesty.

It has been ratified in conformity with that clause. Its ratifications have been exchanged in the established and stipulated mode. It has been proclaimed, as other treaties have been proclaimed, by the executive government, as an integral portion of the law of the land, and our citizens, at home and abroad, have been admonished to keep and observe it accordingly. It has been sent to the other contracting party with the last stamp of the national faith upon it, after the manner of former treaties with the same power, and will have been received and acted upon by that party as a concluded contract, long before your loitering legislation can overtake it. I protest, sir, I am somewhat at a loss to understand what this convention has been, since its ratifications were exchanged, and what it is now, if our bill be sound in its principle. Has it not been, and is it not an unintelligible, unbaptized and unbaptizable thing, without attributes of any kind, bearing the semblance of an executed compact, but in reality a hollow fiction: a thing which no man is led

to consider even as the germ of a treaty, entitled to be cherished in the vineyard of the constitution; a thing which, professing to have done every thing that public honor demands, has done nothing but practise delusion? You may ransack every diplomatic nomenclature, and run through every vocabulary, whether of diplomacy or law, and you shall not find a word by which you may distinguish, if our bill be correct in its hypothesis, this 'deed without a name.' A plain man, who is not used to manage his phrases, may, therefore, presume to say, that if this convention with England be not a valid treaty, which does not stand in need of your assistance, it is a usurpation on the part of those who have undertaken to make it; that if it be not an act within the treaty-making capacity, confided to the President and senate, it is an encroachment on the legislative rights of Congress.

I am one of those who view the bill upon the table, as declaring that it is not within that capacity, as looking down upon the convention as the still-born progeny of arrogated power, as offering to it the paternity of Congress, and affecting by that paternity to give to it life and strength; and as I think that the convention does not stand in need of any such filiation, to make it either strong or legitimate, that it is already all that it can become, and that useless legislation upon such a subject is vicious legislation, I shall vote against the bill. The correctness of these opinions is what I propose to establish.

I lay it down as an incontrovertible truth, that the constitution has assumed; (and, indeed, how could it do otherwise?) that the government of the United States might and would have occasion, like the other governments of the civilized world, to enter into treaties with foreign powers, upon the various subjects involved in their mutual relations; and further, that it might be, and was proper to designate the department of the government in which the capacity to make such treaties should be lodged. It has said, accordingly, that the President, with the concurrence of the senate,

shall possess this portion of the national sovereignty. It has, furthermore, given to the same magistrate, with the same concurrence, the exclusive creation and control of the whole machinery of diplomacy. He only, with the approbation of the senate, can appoint a negotiator, or take any step towards negotiation. The constitution does not, in any part of it, even intimate that any other department shall possess either a constant or an occasional right to interpose in the preparation of any treaty, or in the final perfection of it. The President and senate are explicitly pointed out as the sole actors in that sort of transaction. The prescribed concurrence of the senate, and that too by a majority greater than the ordinary legislative majority, plainly excludes the necessity of congressional concurrence. If the consent of Congress to any treaty had been intended, the constitution would not have been guilty of the absurdity of first putting a treaty for ratification to the President and senate exclusively, and again to the same President and senate as portions of the legislature. It would have submitted the whole matter at once to Congress, and the more especially, as the ratification of a treaty by the senate, as a branch of the legislature, may be by a smaller number than a ratification of it by the same body, as a branch of the executive government. If the ratification of any treaty by the President, with the advice and consent of the senate, must be followed by a legislative ratification, it is a mere nonentity. It is good for all purposes, or for none. And if it be nothing in effect, it is a mockery by which nobody would be bound. The President and senate would not themselves be bound by it; and the ratification would at last depend, not upon the will of the President and two thirds of the senate, but upon the will of a bare majority of the two branches of the legislature, subject to the qualified legislative control of the President.

Upon the power of the President and senate, therefore, there can be no doubt. The only question is as to the extent of it; or, in other words, as to the sub-

ject upon which it may be exerted. The effect of the power, when exerted within its lawful sphere, is beyond the reach of controversy. The constitution has declared, that whatsoever amounts to a treaty, made under the authority of the United States, shall immediately be supreme law. It has contradistinguished a treaty as law from an act of Congress as law. It has erected treaties, so contradistinguished, into a binding judicial rule. It has given them to our courts of justice, in defining their jurisdiction, as a portion of the *lex terræ*, which they are to interpret and enforce. In a word, it has communicated to them, if ratified by the department which it has specially provided for the making of them, the rank of law, or it has spoken without meaning. And if it has elevated them to that rank, it is idle to attempt to raise them to it by ordinary legislation.

Upon the extent of the power, or the subjects upon which it may act, there is as little room for controversy. The power is to make treaties. The word treaties is *nomen generalissimum*, and will comprehend commercial treaties, unless there be a limit upon it; by which they are excluded. It is the appellative, which will take in the whole species, if there be nothing to narrow its scope. There is no such limit. There is not a syllable in the context of the clause to restrict the natural import of its phraseology. The power is left to the force of the generic term, and is, therefore, as wide as a treaty-making power can be. It embraces all the varieties of treaties which it could be supposed this government could find it necessary or proper to make, or it embraces none. It covers the whole treaty-making ground which this government could be expected to occupy, or not an inch of it.

It is a just presumption, that it was designed to be co-extensive with all the exigencies of our affairs. Usage sanctions that presumption; expediency does the same. The omission of any exception to the power, the omission of the designation of a mode by which a treaty, not intended to be included within it,



might otherwise be made, confirms it. That a commercial treaty was, above all others, in the contemplation of the constitution, is manifest. The immemorial practice of Europe, and particularly of the nation from which we emigrated, the consonance of enlightened theory to that practice, prove it. It may be said, indeed, that at the epoch of the birth of our constitution, the necessity for a power to make commercial treaties was scarcely visible, for that our trade was then in its infancy. It was so; but it was the infancy of another Hercules, promising, not indeed a victory over the lion of Nemæa, or the boar of Erymanthus, but the peaceful conquest of every sea which could be subjected to the dominion of commercial enterprize. It was then as apparent as it is now, that the destinies of this great nation were irrevocably commercial; that the ocean would be whitened by our sails, and the *ultima Thule* of the world compelled to witness the more than Phœnician spirit and intelligence of our merchants. With this glorious anticipation dawning upon them—with this resplendent Aurora gilding the prospect of the future; nay, with the risen orb of trade illuminating the vast horizon of American greatness, it cannot be supposed that the framers of the constitution did not look to the time when we should be called upon to make commercial conventions. It needs not the aid of the imagination to reject this disparaging and monstrous supposition. Dullness itself, throwing aside the lethargy of its character, and rising for a passing moment to the rapture of enthusiasm, will disclaim it with indignation.

It is said, however, that the constitution has given to Congress the power to regulate commerce with foreign nations; and that, since it would be inconsistent with that power, that the President, with the consent of the senate, should do the same thing, it follows, that this power of Congress is an exception out of the treaty-making power. Never were premises, as it appears to my understanding, less suited to the conclusion.

The power of Congress to regulate our foreign trade, is a power of municipal legislation, and was designed to operate as far as, upon such a subject, municipal legislation can reach. Without such a power, the government would be wholly inadequate to the ends for which it was instituted. A power to regulate commerce by treaty alone, would touch only a portion of the subject. A wider and more general power was therefore indispensable, and it was properly devolved on Congress, as the legislature of the union.

On the other hand, a power of mere municipal legislation, acting upon views exclusively our own, having no reference to a reciprocation of advantages by arrangements with a foreign state, would also fall short of the ends of government in a country of which the commercial relations are complex and extensive, and liable to be embarrassed by conflicts between its own interests and those of other nations. That the power of Congress is simply legislative in the strictest sense, and calculated for ordinary domestic regulation only, is plain from the language in which it is communicated. There is nothing in that language which indicates regulation by compact or compromise, nothing which points to the co-operation of a foreign power, nothing which designates a treaty-making faculty. It is not connected with any of the necessary accompaniments of that faculty; it is not furnished with any of those means, without which it is impossible to make the smallest progress towards a treaty.

It is self-evident, that a capacity to regulate commerce by treaty, was intended by the constitution to be lodged somewhere. It is just as evident, that the legislative capacity of Congress does not amount to it; and cannot be exerted to produce a treaty. It can produce only a statute, with which a foreign state cannot be made to concur, and which will not yield to any modifications which a foreign state may desire to impress upon it for suitable equivalents. There is no way in which Congress, as such, can mould its laws into treaties, if it respects the constitution. It may

legislate and counter-legislate; but it must forever be beyond its capacity to combine in a law, emanating from its separate domestic authority, its own views with those of other governments, and to produce a harmonious reconciliation of those jarring purposes and discordant elements which it is the business of negotiation to adjust.

I reason thus, then, upon this part of the subject. It is clear that the power of Congress, as to foreign commerce, is only what it professes to be in the constitution, a legislative power, to be exerted unilaterally without consultation or agreement with those with whom we have an intercourse of trade; it is undeniable that the constitution meant to provide for the exercise of another relatively to commerce, which should exert itself in concert with the analogous power in other countries, and should bring about its results, not by statute enacted by itself, but by an international compact called a treaty; that it is manifest, that this other power is vested by the constitution in the President and senate, the only department of the government which it authorizes to make any treaty, and which it enables to make all treaties; that if it be so vested, its regular exercise must result in that which, as far as it reaches, is law in itself, and consequently repeals such municipal regulations as stand in its way, since it is expressly declared by the constitution that treaties, regularly made, shall have, as they ought to have the force of law. In all this, I perceive nothing to perplex or alarm us. It exhibits a well digested and uniform plan of government, worthy of the excellent men by whom it was formed. The ordinary power to regulate commerce by statutory enactments, could only be devolved upon Congress, possessing all the other legislative powers of the government. The extraordinary power to regulate it by treaty, could not be devolved upon Congress, because from its composition, and the absence of all those authorities and functions which are essential to the activity and effect of a treaty-making power, it was

not calculated to be the depository of it. It was wise and consistent to place the extraordinary power to regulate commerce by treaty, where the residue of the treaty-making power was placed, where only the means of negotiation could be found, and the skilful and beneficial use of them could reasonably be expected.

That Congress legislates upon commerce, subject to the treaty-making power, is a position perfectly intelligible; but the understanding is in some degree confounded by the other proposition, that the legislative power of Congress is an exception out of the treaty-making power. It introduces into the constitution a strange anomaly—a commercial state, with a written constitution, and no power in it to regulate its trade, in conjunction with other states, in the universal mode of convention. It will be in vain to urge, that this anomaly is merely imaginary; for that the President and senate may make a treaty of commerce for the consideration of Congress. The answer is, that the treaties which the President and senate are entitled to make, are such, as when made, become law; that it is no part of their functions simply to initiate treaties, but conclusively to make them; and that where they have no power to make them, there is no provision in the constitution, how or by whom they shall be made.

That there is nothing new in the idea of a separation of the legislative and conventional powers upon commercial subjects, and of the necessary control of the former by the latter, is known to all who are acquainted with the constitution of England. The parliament of that country enacts the statutes by which its trade is regulated municipally. The crown modifies them by a treaty. It has been imagined, indeed, that the parliament is in the practice of confirming such treaties; but the fact is undoubtedly otherwise. Commercial treaties are laid before parliament, because the king's ministers are responsible for their advice in the making of them, and because the vast range and

complication of the English laws of trade and revenue, render legislation unavoidable, not for the ratification, but the execution of their commercial treaties.

It is suggested again, that the treaty-making power, (unless we are tenants in common of it with the President and senate, to the extent at least of our legislative rights,) is a pestilent monster, pregnant with all sorts of disasters! It teems with 'Gorgons and Hydras and Chimeras dire!' At any rate, I may take for granted, that the case before us does not justify this array of metaphor and fable; since we are all agreed that the convention with England is not only harmless but salutary. To put this particular case, however, out of the argument, what have we to do with considerations like these? Are we here to form, or to submit to the constitution as it has been given to us for a rule by those who are our masters? Can we take upon ourselves the office of political casuists, and because we think that a power ought to be less than it is, compel it to shrink to our standard? Are we to bow with reverence before the national will as the constitution displays it, or to fashion it to our own, to quarrel with that charter, without which we ourselves are nothing; or to take it as a guide which we cannot desert with innocence or safety? But why is the treaty-making power, lodged, as I contend it is, in the President and senate, likely to disaster us, as we are required to apprehend it will? Sufficient checks, have not, as it seems, been provided, either by the constitution or the nature of things, to prevent the abuse of it. It is in the House of Representatives alone, that the amulet, which bids defiance to the approaches of political disease, or cures it when it has commenced, can in all vicissitudes be found. I hold that the checks are sufficient, without the charm of our legislative agency, for all those occasions which wisdom is bound to foresee and to guard against; and that as to the rest, (the eccentricities and portents which no ordinary checks can deal with,) the occasions must provide for themselves.

It is natural, here, to ask of gentlemen, what security they would have? They cannot 'take a bond of fate;' and they have every pledge which is short of it. Have they not, as respects the President, all the security upon which they rely from day to day for the discreet and upright discharge of the whole of his other duties, many and various as they are? What security have they that he will not appoint to office the refuse of the world; that he will not pollute the sanctuary of justice by calling vagabonds to its holy ministry, instead of adorning it with men like those who now give to the bench more dignity than they receive from it: that he will not enter into a treaty of amnesty with every conspirator against law and order, and pardon culprits from mere enmity to virtue? The security for all this, and infinitely more, is found in the constitution and in the order of nature; and we are all satisfied with it. One should think that the same security, which thus far time has not discredited, might be sufficient to tranquillize us upon the score of the power which we are now considering.

We talk of ourselves as if we only were the representatives of the people. But the first magistrate of this country is also the representative of the people, the creature of their sovereignty, the administrator of their power, their steward and servant, as you are—he comes from the people, is lifted by them into place and authority, and after a short season returns to them for censure or applause. There is no analogy between such a magistrate and the hereditary monarchs of Europe. He is not born to the inheritance of office; he cannot even be elected until he has reached an age at which he must pass for what he is; until his habits have been formed, his integrity tried, his capacity ascertained, his character discussed and probed, for a series of years, by a press, which knows none of the restraints of European policy. He acts, as you do, in the full view of his constituents, and under the consciousness that on account of the singleness of his station, all eyes are upon him. He knows, too, as well

as you can know, the temper and intelligence of those for whom he acts, and to whom he is amenable. He cannot hope that they will be blind to the vices of his administration on subjects of high concernment and vital interest; and in proportion as he acts upon his own responsibility, unrelieved and undiluted by the infusion of ours, is the danger of ill-advised conduct likely to be present to his mind.

Of all the powers which have been entrusted to him, there is none to which the temptations to abuse belong so little as to the treaty-making power in all its branches; none which can boast such mighty safeguards in the feelings and views, and passions which even a misanthrope could attribute to the foremost citizen of this republic. He can have no motive to palsy, by a commercial or any other treaty, the prosperity of his country. Setting apart the restraints of honor and patriotism, which are characteristic of public men in a nation habitually free, could he do so without subjecting himself, as a member of the community, (to say nothing of his immediate connexions,) to the evils of his own work? A commercial treaty, too, is always a conspicuous measure. It speaks for itself. It cannot take the garb of hypocrisy, and shelter itself from the scrutiny of a vigilant and well instructed population. If it be bad, it will be condemned, and if dishonestly made, be execrated. The pride of country, moreover, which animates even the lowest of mankind, is here a peculiar pledge for the provident and wholesome exercise of power. There is not a consideration by which a cord in the human breast can be made to vibrate that is not in this case the ally of duty. Every hope, either lofty or humble, that springs forward to the future; even the vanity which looks not beyond the moment; the dread of shame and the love of glory; the instinct of ambition; the domestic affections; the cold ponderings of prudence; and the ardent instigations of sentiment and passion, are all on the side of duty. It is in the exercise of this power that responsibility to public opinion,

which even despotism feels and truckles to, is of gigantic force. If it were possible, as I am sure it is not, that an American citizen, raised, upon the credit of a long life of virtue, to a station so full of honor, could feel a disposition to mingle the little interests of a perverted ambition with the great concerns of his country, as embraced by a commercial treaty, and to sacrifice her happiness and power by the stipulations of that treaty, to flatter or aggrandize a foreign state, he would still be saved from the perdition of such a course, not only by constitutional checks, but by the irresistible efficacy of responsibility to public opinion, in a nation whose public opinion wears no mask, and will not be silenced. He would remember that his political career is but the thing of an hour, and that when it has passed he must descend to the private station from which he rose, the object either of love and veneration, or of scorn and horror. If we cast a glance at England, we shall not fail to see the influence of public opinion upon a hereditary king, a hereditary nobility, and a house of commons, elected, in a great degree, by rotten boroughs, and overflowing with placemen. And if this influence is potent there against all the efforts of independent power and wide spread corruption, it must in this country be omnipotent.

But the treaty-making power of the President is further checked by the necessity of the concurrence of two thirds of the senate, consisting of men selected by the legislatures of the states, themselves elected by the people. They too must have passed through the probation of time, before they can be chosen, and must bring with them every title to confidence. The duration of their office is that of a few years; their numbers are considerable; their constitutional responsibility as great as it can be; and their moral responsibility beyond all calculation.

The power of impeachment has been mentioned as a check upon the President, in the exercise of the treaty-making capacity. I rely upon it less than upon others



of, as I think, a better class; but as the constitution places some reliance upon it, so do I. It has been said, that impeachment has been tried and found wanting. Two impeachments have failed, as I have understood, (that of a judge was one,)—but they may have failed for reasons consistent with the general efficacy of such a proceeding. I know nothing of their merits, but I am justified in supposing that the evidence was defective, or that the parties were innocent as they were pronounced to be. Of this, however, I feel assured, that if it should ever happen that the President is found to deserve the punishment which impeachment seeks to inflict, (even for making a treaty to which the judges have become parties,) and this body should accuse him, in a constitutional way, he will not easily escape. But, be that as it may, I ask if it is nothing that you have power to arraign him as a culprit? Is it nothing that you can bring him to the bar, expose his misconduct to the world, and bring down the indignation of the public upon him and those who dare to acquit him.

If there be any power explicitly granted by the constitution to Congress, it is that of declaring war; and if there be any exercise of human legislation more solemn and important than another, it is a declaration of war. For expansion it is the largest, for effect the most awful of all the enactments to which Congress is competent; and it always is, or ought to be, preceded by grave and anxious deliberation. This power, too, is connected with, or virtually involves, others of high import and efficacy; among which may be ranked the power of granting letters of marque and reprisal, of regulating captures, of prohibiting intercourse with, or the acceptance of protections or licenses from the enemy. Yet further; a power to declare war implies, with peculiar emphasis, a negative upon all power, in any other branch of the government, inconsistent with the full and continuing effect of it. A power to make peace in any other branch of the government, is utterly inconsistent with that full

and continuing effect. It may even prevent it from having any effect at all, since peace may follow almost immediately, (although it rarely does so follow,) the commencement of a war. If, therefore, it be undeniable that the President, with the advice and consent of the senate, has power to make a treaty of peace, available *ipso jure*, it is undeniable that he has power to repeal, by the mere operation of such a treaty, the highest acts of congressional legislation. And it will not be questioned, that this repealing power is, from the eminent nature of the war-declaring power, less fit to be made out by inference than the power of modifying by treaty the laws which regulate our foreign trade. Now the President, with the advice and consent of the senate, has an incontestible and uncontested right to make a treaty of peace, of absolute inherent efficacy, and that too in virtue of the very same general provision in the constitution which the refinements of political speculation, rather than any known rules of construction, have led some of us to suppose excludes a treaty of commerce.

By what process of reasoning will you be able to extract from the wide field of that general provision the obnoxious case of a commercial treaty, without forcing along with it the case of a treaty of peace, and along with that again the case of every possible treaty? Will you rest your distinction upon the favorite idea that a treaty cannot repeal laws competently enacted, or, as it is sometimes expressed, cannot trench upon the legislative rights of Congress? Such a distinction not only seems to be reproached by all the theories, numerous as they are, to which this bill has given birth, but is against notorious fact and recent experience. We have lately witnessed the operation in this respect of a treaty of peace, and could not fail to draw from it this lesson; that no sooner does the President exert, with the consent of the senate, his power to make such a treaty, than your war-denouncing law, your act for letters of marque, your prohibitory statutes as to intercourse and licenses, and all the other concomitant and

dependent statutes, so far as they affect the national relations with a foreign enemy, pass away as a dream, and in a moment are 'with years beyond the flood.' Your auxiliary agency was not required in the production of this effect; and I have not heard that you even tendered it. You saw your laws departing as it were from the statute books, expelled from the strong hold of supremacy by the single force of a treaty of peace; and you did not attempt to stay them; you did not bid them linger until you should bid them go; you neither put your shoulders to the wheel of expulsion, nor made an effort to retard it. In a word, you did nothing. You suffered them to flee as a shadow, and you know that they were reduced to shadow, not by the necromancy of usurpation, but by the energy of constitutional power. Yet, you had every reason for interference then which you can have now. The power to make a treaty of peace stands upon the same constitutional footing with the power to make a commercial treaty. It is given by the same words. It is exerted in the same manner. It produces the same conflict with municipal legislation. The ingenuity of man cannot urge a consideration, whether upon the letter or the spirit of the constitution, against the existence of a power in the President and senate to make a valid commercial treaty, which will not, if it be correct and sound drive us to the negation of the power exercised by the President and senate, with universal approbation, to make a valid treaty of peace.

Nay, the whole treaty-making power will be blotted from the constitution, and a new one, alien to its theory and practice, be made to supplant it, if sanction and scope be given to the principles of this bill. This bill may indeed be considered as the first of many assaults, not now intended perhaps, but not therefore the less likely to happen, by which the treaty-making power, as created and lodged by the constitution, will be pushed from its place, and compelled to abide with the power of ordinary legislation. The example of this bill is beyond its ostensible limits. The pernicious

cious principle, of which it is at once the child and the apostle, must work onward and to the right and the left until it has exhausted itself; and it never can exhaust itself until it has gathered into the vortex of the legislative powers of Congress the whole treaty-making capacity of the government. For if, notwithstanding the directness and precision with which the constitution has marked out the department of the government by which it wills that treaties shall be made, and has declared that treaties so made shall have the force and dignity of law, the House of Representatives can insist upon some participation in that high faculty, upon the simple suggestion that they are sharers in legislative power upon the subjects embraced by any given treaty, what remains to be done, for the transfer to Congress of the entire treaty-making faculty, as it appears in the constitution, but to show that Congress have legislative power direct or indirect upon every matter which a treaty can touch? And what are the matters within the practicable range of a treaty, which your laws cannot either mould, or qualify, or influence? Imagination has been tasked for example, by which this question might be answered. It is admitted that they must be few, and we have been told, as I think, of no more than one. It is the case of contraband of war. This case has, it seems, the double recommendation of being what is called an international case, and a case beyond the utmost grasp of congressional legislation. I remark upon it, that it is no more an international case than any matter of collision incident to the trade of two nations with each other. I remark further, that a treaty upon the point of contraband of war may interfere, as well as any other treaty, with an act of Congress. A law encouraging, by a bounty or otherwise, the exportation of certain commodities, would be counteracted by an insertion into the list of contraband of war, in a treaty with England or France, any one of those commodities. The treaty would look one way, the law another. And various modes might readily be suggested in which Congress might so

legislate as to lay the foundation of repugnancy between its laws and the treaties of the President and senate with reference to contraband. I deceive myself greatly if a subject can be named upon which a like repugnancy might not occur. But even if it should be practicable to furnish, after laborious inquiry and meditation, a meagre and scanty inventory of some half dozen topics, to which domestic legislation cannot be made to extend, will it be pretended that such was the insignificant and narrow domain designed by the constitution for the treaty-making power? It would appear that there is with some gentlemen a willingness to distinguish between the legislative power expressly granted to Congress and that which is merely implied, and to admit that a treaty may control the results of the latter. I reply to those gentlemen that one legislative power is exactly equivalent to another, and that, moreover, the whole legislative power of Congress may justly be said to be expressly granted by the constitution, although the constitution does not enumerate every variety of its exercise, or indicate all the ramifications into which it may diverge to suit the exigencies of the times. I reply, besides, that even with the qualification of this vague distinction, whatever may be its value or effect, the principle of the bill leaves no adequate sphere for the treaty-making power. I reply, finally, that the acknowledged operation of a treaty of peace in repealing laws of singular strength and unbending character, enacted in virtue of powers communicated *in terminis* to Congress, gives the distinction to the winds.

And now that I have again adverted to the example of a treaty of peace, let me call upon you to reflect on the answer which that example affords to all the warnings we have received in this debate against the mighty danger of entrusting to the only department of the government, which the constitution supposes can make a treaty, the incidental prerogative of a repealing legislation. It is inconsistent, we are desirous to believe, with the genius of the constitution, and must

be fatal to all that is dear to freemen, that an executive magistrate and a senate, who are not immediately elected by the people, should possess this authority. We hear from one quarter that if it be so, the public liberty is already in the grave ; and from another, that the public interest and honor are upon the verge of it. But do you not perceive that this picture of calamity and shame is the mere figment of excited fancy, disavowed by the constitution as hysterical, and erroneous in the case of a treaty of peace ? Do you not see that if there be any thing in this high colored peril, it is a treaty of peace that must realize it ? Can we in this view compare with the power to make such a treaty, that of making a treaty of commerce ? Are we unable to conjecture, while we are thus brooding over anticipated evils which can never happen, that the lofty character of our country (which is but another name for strength and power,) may be made to droop by a mere treaty of peace ; that the national pride may be humbled ; the just hopes of the people blasted ; their courage tamed and broken ; their prosperity struck to the heart ; their foreign rivals encouraged into arrogance and tutored into encroachment, by a mere treaty of peace ? I confidently trust that, as this never has been so, it never will be so ; but surely it is just as possible as that a treaty of commerce should ever be made to shackle the freedom of this nation, or check its march to the greatness and glory that await it. I know not, indeed, how it can seriously be thought that our liberties are in hazard from the small witchery of a treaty of commerce, and yet in none from the potent enchantments by which a treaty of peace may strive to inthral them. I am at a loss to conceive by what form of words, by what hitherto unheard of stipulations, a commercial treaty is to barter away the freedom of United America, or of any the smallest portion of it. I cannot figure to myself the possibility that such a project can ever find its way into the head or heart of any man, or set of men, whom this nation may select as the depositories of its power ; but I am

quite sure that an attempt to insert such a project in a commercial treaty, or in any other treaty, or in any other mode, could work no other effect than the destruction of those who should venture to be parties to it, no matter whether a President, senate, or a whole Congress. Many extreme cases have been put for illustration in this debate; and this is one of them; and I take the occasion which it offers to mention, that to argue from extreme cases is seldom logical, and upon a question of interpretation, never so. We can only bring back the means of delusion, if we wander into the regions of fiction, and explore the wilds of bare possibility in search of rules for real life and actual ordinary cases. By arguing from the possible abuse of power against the use or existence of it, you may and must come to the conclusion, that there ought not be, and is not, any government in this country, or in the world. Disorganization and anarchy are the sole consequences that can be deduced from such reasoning. Who is it that may not abuse the power that has been confided to him? May not we, as well as the other branches of the government? And, if we may, does not the argument from extreme cases prove that we ought to have no power, and that we have no power? And does it not, therefore, after having served for an instant the purposes of this bill, turn short upon and condemn its whole theory, which attributes to us, not merely the power which is our own, but inordinate power, to be gained only by wresting it from others? Our constitutional and moral security against the abuses of the power of the executive government have already been explained. I will only add, that a great and manifest abuse of the delegated authority to make treaties would create no obligation anywhere. If ever it should occur, as I confidently believe it never will, the evil must find its corrective in the wisdom and firmness, not of this body only, but of the whole body of the people co-operating with it. It is, after all, in the people, upon whose Atlantean shoulders our whole republican system reposes, that you must expect that re-

cuperative power, that redeeming and regenerating spirit, by which the constitution is to be purified and reintegrated when extravagant abuse has cankered it.

In addition to the example of a treaty of peace, which I have just been considering, let me put another, of which none of us can question the reality. The President may exercise the power of pardoning, save only in the case of impeachments. The power of pardoning is not communicated by words more precise or comprehensive than the power to make treaties. But to what does it amount? Is not every pardon, *pro hac vice*, a repeal of the penal law against which it gives protection? Does it not ride over the law, resist its command and extinguish its effect? Does it not even control the combined force of judicature and legislation? Yet, have we ever heard that your legislative rights were an exception out of the prerogative of mercy? Who has ever pretended that this faculty cannot, if regularly exerted, wrestle with the strongest of your statutes? I may be told, that the pardoning power necessarily imports a control over the penal code, if it be exercised in the form of a pardon. I answer, the power to make treaties equally imports a power to put out of the way such parts of the civil code as interfere with its operation, if that power be exerted in the form of a treaty. There is no difference in their essence. You legislate, in both cases, subject to the power. And this instance furnishes another answer, as I have already intimated, to the predictions of abuse, with which, on this occasion, it has been endeavored to appal us. The pardoning power is in the President alone. He is not even checked by the necessity of senatorial concurrence. He may, by his single *fiat*, extract the sting from your proudest enactments, and save from their vengeance a convicted offender.

Sir, you have my general notions upon the bill before you. They have no claim to novelty. I imbibed them from some of the heroes and sages who survived the storm of that contest to which America was sum-



moned in her cradle. I imbibed them from the father of his country. My understanding approved them with the full concurrence of my heart, when I was much younger than I am now; and I feel no disposition to discard them now that age and feebleness are about to overtake me. I could say more—much more—upon this question; but I want health and strength. It is, perhaps, fortunate for the House that I do: as it prevents me from fatiguing them as much as I fatigue myself.

## SPEECH OF JOHN C. CALHOUN,

ON

A BILL PROPOSING TO SET APART AND PLEDGE AS A PERMANENT FUND FOR INTERNAL IMPROVEMENT THE BONUS OF THE NATIONAL BANK, AND THE UNITED STATES' SHARE OF ITS DIVIDENDS ;

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, FEBRUARY 4, 1817.



MR. CHAIRMAN,

It seems to be the fate of some measures to be praised, but not adopted. Such I fear will be the fate of that on which we are now deliberating. From the indisposition, manifested by the House to go into committee on the bill, there is not much prospect of its success ; yet it seems to me, when I reflect how favorable is the present moment, and how confessedly important a good system of roads and canals is to our country, I may reasonably be very sanguine of success. At peace with all the world ; abounding in pecuniary means ; and, what is of the most importance, and at what I rejoice as most favorable to the country, party and sectional feelings, immersed in a liberal and enlightened regard to the general concerns of the nation—such, are the favorable circumstances under which we are now deliberating. Thus situated, to what can we direct our resources and attention more important than internal improvements ? What can add more to the wealth, the strength, and the political prosperity of our country ? The manner, in which facility and cheapness of intercourse adds to the wealth of a nation, has been so often and ably discussed by writers on political economy, that I presume the House to be perfectly acquainted with the subject. It is sufficient to observe, that every branch of national indus-

try, agricultural, manufacturing and commercial, is greatly stimulated and rendered by it more productive. The result is, that it tends to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of raw products, or in the purchase of the articles for consumption, approximate to that of the commercial towns. In fact, if we look into the nature of wealth we will find, that nothing can be more favorable to its growth, than good roads and canals. An article, to command a price, must not only be useful, but must be the subject of demand; and the better the means of commercial intercourse, the larger is the sphere of demand. The truth of these positions, is obvious, and has been tested by all countries where the experiment has been made. It has particularly been strikingly exemplified in England, and if the result there, in a country so limited and so similar in its products, has been to produce a most uncommon state of opulence, what may we not expect from the same cause in our country, abounding as it does in the greatest variety of products, and presenting the greatest facility for improvement? Let it not be said that internal improvement may be wholly left to the enterprize of the states and of individuals. I know, that much may justly be expected to be done by them; but in a country so new, and so extensive as ours, there is room enough, for all the general and state governments and individuals, in which to exert their resources. But many of the improvements contemplated, are on too great a scale for the resources of the states or individuals; and many of such a nature, that the rival jealousy of the states, if left alone, might prevent. They require the resources and the general superintendence of this government to effect and complete them. But there are higher and more powerful considerations why Congress ought to take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals; it might indeed admit of some doubt

whether they ought not to be left wholly to individual exertions ; but when we come to consider how intimately the strength and political prosperity of the republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. In many respects, no country of equal population and wealth, possesses equal materials of power with ours. The people, in muscular power, in hardy and enterprising habits, and in lofty and gallant courage, are surpassed by none. In one respect, and, in my opinion, in one only, are we materially weak. We occupy a surface prodigiously great in proportion to our numbers. The common strength is brought to bear with great difficulty on the point that may be menaced by an enemy. It is our duty, then, as far as in the nature of things it can be effected, to counteract this weakness. Good roads and canals, judiciously laid out, are the proper remedy. In the recent war, how much did we suffer for the want of them ? Besides the tardiness and the consequential inefficacy of our military movements, to what an increased expense was the country put for the article of transportation alone ? In the event of another war, the saving in this particular, would go far towards indemnifying us for the expense of constructing the means of transportation. It is not, however, in this respect only, that roads and canals add to the strength of the country. Our power of raising revenue, in war particularly, depends mainly on them. In peace, our revenue depends principally on the imports. In war, this source, in a great measure, fails, and internal taxes, to a great amount, become necessary. Unless the means of commercial intercourse are rendered much more perfect than they now are, we shall never be able, in war, to raise the necessary supplies. If taxes are collected in kind ; if, for instance, the farmer and mechanic paid in their surplus produce, then the difficulty would not exist ; as in no country on earth, is there so great a surplus, in proportion to its population. as in ours. But such a system of taxes is impos-

sible. They must be paid in money; and, by the constitution, must be laid uniformly. What, then, is the effect? The taxes are raised in every part of this extensive country, uniformly; but the expenditure must, in its nature, be principally confined to the scene of military operations. This drains the circulating medium from one part, and accumulates it in another, and perhaps a very distant one. The result is obvious. Unless it can return through the operation of trade, the parts from which the constant drain takes place, must ultimately be impoverished. Commercial intercourse is the true remedy to this weakness; and the means by which that is to be effected, are roads, canals and the coasting trade. On these, combined with domestic manufactures, does the monied capacity of the country, in war, depend. Without them, not only will we be unable to raise the necessary supplies, but the currency of the country must necessarily fall into the greatest disorder; such as we lately experienced.

But on this subject of national power, what can be more important than a perfect unity in every part, in feelings and sentiments? And what can tend more powerfully to produce it, than overcoming the effects of distance? No country, enjoying freedom, ever occupied any thing like as great an extent of country as this republic. One hundred years ago, the most profound philosophers did not believe it to be even possible. They did not suppose it possible that a pure republic could exist on as great a scale even as the island of Great Britain. What then was considered as chimerical, we have now the felicity to enjoy; and what is most remarkable, such is the happy mould of our government, so well are the state and general powers blended, that much of our political happiness draws its origin from the extent of our republic. It has exempted us from most of the causes which distracted the small republics of antiquity. Let it not, however, be forgotten, let it be forever kept in mind, that it exposes us to the greatest of all calamities, next

to the loss of liberty, and even to that in its consequences, disunion. We are great, and rapidly, I was about to say, fearfully growing. This is our pride and our danger, our weakness and our strength. Little does he deserve to be intrusted with the liberties of this people, who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion. The strongest of all cements is, undoubtedly, the wisdom, justice, and, above all, the moderation of this House; yet the greatest subject on which we are now deliberating, in this respect, deserves the most serious consideration. Whatever impedes the intercourse of the extremes with this, the centre of the republic, weakens the union. The more enlarged the sphere of commercial circulation, the more extended that of social intercourse; the more strongly we are bound together, the more inseparable are our destinies. Those who understand the human heart best, know how powerfully distance tends to break the sympathies of our nature. Nothing, not even dissimilarity of language, tends more to estrange man from man. Let us then bind the republic together with a perfect system of roads and canals. Let us conquer space. It is thus the most distant part of the republic will be brought within a few days' travel of the centre; it is thus that a citizen of the west will read the news of Boston still moist from the press.

The mail and the press are the nerves of the body politic. By them the slightest impression made on the most remote part, is communicated to the whole system; and the more perfect the means of transportation, the more rapid and true the vibration. To aid us in this great work, to maintain the integrity of this republic, we inhabit a country presenting the most admirable advantages. Belted around, as it is, by lakes and oceans, intersected in every direction by bays and rivers, the hand of industry and art is tempted to improvement. So situated, blessed with a form of government at once combining liberty and strength,

we may reasonably raise our eyes to a most splendid future, if we only act in a manner worthy of our advantages. If, however, neglecting them, we permit a low, sordid, selfish and sectional spirit to take possession of this House, this happy scene will vanish. We will divide, and, in its consequences, will follow misery and despotism.

To legislate for our country requires not only the most enlarged views, but a species of self-devotion, not exacted in any other. In a country so extensive, and so various in its interests, what is necessary for the common good, may apparently be opposed to the interest of particular sections. It must be submitted to as the condition of our greatness. But were we a small republic, were we confined to the ten miles square, the selfish instincts of our nature might, in most cases, be relied on, in the management of public affairs.

Such, then, being the obvious advantages of internal improvements, why should the House hesitate to commence the system? I understand there are, with some members, constitutional objections. The power of Congress is objected to; first, that they have none to cut a road or canal through a state, without its consent; and next, that the public moneys can only be appropriated to effect the particular powers enumerated in the constitution. The first of these objections, it is plain, does not apply to this bill. No particular road or canal is proposed to be cut through any state. The bill simply appropriates money to the general purpose of improving the means of communication. When a bill is introduced to apply the money to a particular object in any state, then, and not till then, will the question be fairly before us. I shall give no opinion on this point. In fact, I scarcely think it worth the discussion, since the good sense of the states may be relied on. They will, in all cases, readily yield their assent. The fear is in a different direction; in too great a solicitude to obtain an undue share to be expended within their respective limits. In fact, I un-

derstand that this is not the objection insisted on. It is mainly urged, that Congress can only apply the public money in execution of the enumerated powers. I am no advocate for refined arguments on the constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express, than the constitution, on this very point? The first power delegated to Congress, is comprized in these words: ‘to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.’ First, the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power, may be applied—to pay debts, provide for the defence and promote the general welfare; and last, the rule for laying the taxes is prescribed—that all duties, imposts and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could be more easy than to have expressed it plainly. I know it is the opinion of some, that the words “to pay the debts, and provide for the common defence and general welfare,” which I have just cited, were not intended to be referred to the power of laying taxes, contained in the first part of the section, but that they are to be understood as distinct and independent powers, granted in general terms; and are qualified, by a more detailed enumeration of powers, in the subsequent part of the constitution. If such were, in fact, the meaning, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress, in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words “to pay the debts and provide



for the common defence and general welfare," were intended for this summary, they should have headed the list of our powers, and it should have been stated, that to effect these general objects, the following specific powers were granted. I will ask the members to read the section with attention, and it will, I conceive, plainly appear, that such could not have been the intention. The whole section seems to me to be about taxes. It plainly commences and ends with it, and nothing could be more strained than to suppose the intermediate words "to pay the debts and provide for the common defence and general welfare," are to be taken as independent and distinct powers. Forced, however, as such a construction is, I might admit it, and urge that the words do constitute a part of the enumerated powers. The constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation, which is usually given to the words, confines our power to that of designating only the post-roads; but it seems to me that the word "establish" comprehends something more.

But suppose the constitution to be silent, why should we be confined, in the application of money, to the enumerated powers? There is nothing in the reason of the thing, that I can perceive, why it should be so restricted; and the habitual and uniform practice of the government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted, by a unanimous vote, or nearly so, fifty thousand dollars to the distressed inhabitants of Caraccas, and a very large sum, at two different times, to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power, which is now the subject of discussion, has, in several instances, been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to

this uniform course of legislation, I expect it will be said, that our constitution was founded on positive and written principles, and not on precedents. I do not deny the position; but I introduce these instances to prove the uniform sense of Congress and the country, (for they have not been objected to,) as to our powers; and surely they furnish better evidence of the true interpretation of the constitution than the most refined and subtle arguments.

Let it not be urged, that the construction for which I contend gives a dangerous extent to the powers of Congress. In this point of view, I conceive it to be more safe than the opposite. By giving a reasonable extent to the money power, it exempts from the necessity of giving a strained and forced construction to the other enumerated powers: for instance, if the public money could be applied to the purchase of Louisiana, as I contend, then there was no constitutional difficulty in that purchase; but if it could not, then are we compelled either to deny that we had the power to purchase, or to strain some of the enumerated powers, to prove our right. It has, for instance, been said, that we have the right to purchase, under the power to admit new states; a construction, I will venture to say, far more forced than the one for which I contend. Such are my views on our right to pass this bill.

I believe that the passage of the bill will not be much endangered by a doubt of the power; as I conceive on that point there are not many who are opposed. The mode is principally objected to. A system it is contended ought to be presented before the money is appropriated. I think differently. To set apart the fund, appears to me to be naturally the first act; at least, I take it to be the only practicable course. A bill filled with details would have but a faint prospect of passing. The enemies to any possible system in detail, and those who are opposed in principle, would unite and defeat it. Though I am unwilling to incorporate such details in the bill, yet I am not adverse to presenting my views on that point.

The first great object is to perfect the communication from Maine to Louisiana. This may be fairly considered as the principal artery of the whole system. The next is the connexion of the lakes with the Hudson river. In a political, commercial and military point of view, few objects could be more important. The next object of chief importance is, to connect all the great commercial points on the Atlantic—Philadelphia, Baltimore, Washington, Richmond, Charleston and Savannah, with the Western states; and finally, to perfect the intercourse between the west and New Orleans. These seem to me to be the great objects. There are others, no doubt, of great importance, which would receive the aid of government. The fund proposed to be set apart in this bill, is about six hundred and fifty thousand dollars a year, which is doubtless too small to effect such great objects of itself; but it would be a good beginning; and I have no doubt when it is once begun, the great work will be finished. If the bill succeeds, at the next session the details can be arranged, and the system commenced. I cannot consider those who object merely to the mode, to be very hearty in favor of the system. Every member must know that in all great measures, it is necessary to concede something; as it is impossible to make all think alike in the *minutiae* of the measure who are agreed in principle. A deep conviction of the importance of the thing itself, is almost sure to be accompanied with a liberal spirit of concession. The committee who introduced this bill, gave it the shape, in their opinion, the most proper in itself, and the most likely to succeed. If it cannot pass in its present form, and under the present circumstances, it is certainly very doubtful whether it ever will. I feel a deep solicitude in relation to it. I am anxious that this Congress shall have the reputation of it, and I am the more so, on account of the feelings which have been created against it. No body of men, in my opinion, ever better merited, than this Congress, the confidence of their country. For wisdom, firmness and industry, it has

never been excelled. To its acts I appeal for the truth of my assertions. The country already begins to experience the benefit of its foresight and firmness. The diseased state of the currency, which many thought incurable, and most thought could not be healed in so short a time, begins to exhibit symptoms of speedy health. Uninfluenced by any other considerations than love of country and duty, let us add this to the many useful measures already adopted. The money cannot be appropriated to a more exalted use. Every portion of the community, the farmer, mechanic and merchant will feel its good effects; and, what is of the greatest importance, the strength of the community will be augmented, and its political prosperity rendered more secure.

# INAUGURAL ADDRESS

OF

JAMES MONROE,

PRESIDENT OF THE UNITED STATES,

DELIVERED MARCH 4, 1817.



I SHOULD be destitute of feeling, if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office, whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification, which those who are conscious of having done all that they could to merit it, can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties; with the proper discharge of which, the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a principal degree, to produce

the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution, twenty-eight. Through this whole term the government has been what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens individually, have been happy, and the nation prosperous.

Under this constitution, our commerce has been wisely regulated with foreign nations, and between the states; new states have been admitted into our union; our territory has been enlarged, by fair and honorable treaty, and with great advantage to the original states; the states respectively, protected by the national government, under a mild parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws, well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit? On whom has oppression fallen in any quarter of our union? Who has been deprived of any right of person or property? Who restrained in offering his vows in the mode in which he prefers, to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some who might admit the competency of our government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency, as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have, of late only, been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest; to demand justice from the party committing the injury; and to cultivate by a fair and honorable conduct, the friendship of all. War became, at length, inevitable, and the result has shown, that our government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy, and the militia, I need not speak.

Such then, is the happy government under which we live: a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognized by the constitution: which contains within it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our union, and cling to the government which supports it. Fortunate as we are, in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident

to that portion of the globe. Penetrating, internally, to the great lakes, and beyond the source of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed too with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow-men, in other countries. Such is our peculiar felicity, that there is not a part of our union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the north, engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force, thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronizes domestic industry; and the surplus of our produce, a steady and profitable market by local wants, in less favored parts at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject, it may be asked, what raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain, and pass with glory through the late war? The government has been in the hands of the people. To the people, therefore, and to the faithful and able depositories of their trust, is the credit due. Had the



people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While then the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives of every department. It is only when the people become ignorant and corrupt; when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause and endeavor to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may, in that event, be the object of the adverse party to upset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate and pacific policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience if we did not expect it. We must support our rights or lose our character, and with it perhaps our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honor is national property of the highest va-

lue. The sentiment in the mind of every citizen, is national strength. It ought therefore to be cherished.

To secure us against these dangers our coast and inland frontiers should be fortified, our army and navy regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence, as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property, and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate but adequate to the necessary purposes. The former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe; and, while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially both as an auxiliary of defence, and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it always ought to be held prominently in view, that the safety of these states, and of every thing dear to a free people must depend in an eminent degree on the militia. Invasions may be made, too formidable to be

resisted by any land and naval force, which it would comport either with the principles of our government, or the circumstances of the United States to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained, as to be prepared for any emergency. The arrangement should be such, as to put at the command of the government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed too in time of peace, to be better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention, among which the improvement of our country by roads and canals, preceded always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow-citizens; much to the ornament of the country; and, what is of a greater importance, we shall shorten distances, and by making each part more accessible to, and dependent on the other, we shall bind the union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the United States; a territory so vast, and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on the supplies from other countries. While we are thus dependent, the sudden event of war unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue, and the flourishing state of the treasury, are a full proof of the competency of the national resources for any emergency, as they are, of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States, to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most; that taxes are most easily paid, and that the revenue is most productive.

The executive is charged officially, in the depart-

ments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guard over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the executive to enable it to bring the public agents, intrusted with the public money, strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite faculties, the public money is suffered to lie, long and uselessly, in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation, and want of tone in the administration, which will be felt by the whole community. I shall do all that I can, to secure economy and fidelity in this important branch of the administration, and I doubt not, that the legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me, to enter on the discharge of these duties, at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the executive, on just principles, with all nations, claiming nothing unreasonable, of any, and rendering to each what is its due.

Equally gratifying is it, to witness the increased harmony of opinion, which pervades our union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on

some questions of essential importance to the country. The progress has been slow, dictated by a just reflection, and faithful regard to every interest connected with it. To promote this harmony, in accord with the principles of our republican government, and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our union, will be the object of my constant and zealous exertions.

Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient and modern, we find no example of a growth so rapid, so gigantic; of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our government has approached to perfection; that in respect to it, we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and, that is to be done, by preserving the virtue and enlightening the minds of the people; and as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights, and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, by the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the administration of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented, which will always be found highly instructive, and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made. I shall be

pardoned for expressing my earnest wishes that he may long enjoy, in his retirement, the affections of a grateful country, the best reward of exalted talents, and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of the government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens, with my fervent prayers to the Almighty, that He will be graciously pleased to continue to us that protection, which He has already so conspicuously displayed in our favor.

## **SPEECH OF LOUIS M'LANE,**

**ON**

**A BILL TO ENABLE THE PEOPLE OF THE MISSOURI TERRITORY TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF SUCH STATE INTO THE UNION;**

**DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, FEBRUARY 7, 1820.**

The question before the committee was on agreeing to the following amendment :—

“ And shall ordain and establish that there shall be neither slavery nor involuntary servitude in the said state, otherwise than in the punishment of crimes whereof the party shall have been duly convicted. Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any other state, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. And provided also, that the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territory.”



**MR. CHAIRMAN,**

If it were not for the peculiar situation in which I shall be placed, in regard to some respectable opinions prevailing in the state from which I have the honor to come, by the vote I shall feel it my duty to give upon the present occasion, I should not trespass upon the time of the committee. If the eloquence and ability, which have been already employed in this debate, have not produced any change of opinion, I have not the presumption to suppose that it will be in my power to vary the result; but, if it is not for me to disturb the opinions of others, I may afford a justification of my own, and furnish to those, who may hereafter feel any interest in the course I deem it my duty to pursue, an exposition of the motives by which I am governed.



I concur with the honorable mover of the amendment, that it presents an act of no ordinary legislation; and I am very sure he cannot easily overrate its importance—an importance derived, not more from the intrinsic magnitude of the question, in all its relations, than the excitement and tumult to which it has given rise in every part of the republic. I do not believe that any subject has ever arisen in this country, since the formation of the government, which has produced a more general agitation, or in regard to which greater pains have been taken to inflame the public mind, and control the deliberations of the national councils. The dazzling reward of popular favor, invested with all its fascinations, has been held up on the one hand, and the appalling spectre of public denunciation, with all its frightfulness, on the other. The sincere and humane, actuated, I am sure, by the best and purest motives; the aspiring demagogue and ambitious politician; those who wish well to their country, and those who seek power on the troubled sea of popular commotion; have promiscuously united in these public agitations, until the press has teemed, and our tables groaned, with a mass of pamphlets and memorials beyond example.

The state which I have the honor, in part, to represent, has been the theatre of a full share of this agitation; and the honorable legislature of that respectable state has been pleased, recently, to take up the subject, and have unanimously resolved, that, in their opinion, Congress have the constitutional power, and ought to impose this restriction upon the new states.

Entertaining the respect I do for the intelligence of the people of my own state, and the character of their legislature, I cannot find my opinion in opposition to theirs without the most unfeigned regret. For, although I do not concede to the legislature of a state the right of instructing the representatives of the people in Congress, or of employing its official character to influence their conduct, or to affect their responsibility, yet, viewing their acts, in this respect, as the

opinions of the individual members merely, I cannot regard them with indifference, selected, as they undoubtedly should be, from their fellow-citizens, as distinguished for some portion both of virtue and intelligence.

I am free to admit, that, in subjects of general policy merely, the will of the people, when fully and fairly ascertained, is always entitled to great weight; and, upon an occasion like the present, if I were influenced by motives of expediency only, I should be much disposed to yield my impressions to that will. But, in constitutional questions, the representative is, or ought to be, governed by higher considerations; and he would be unworthy of his trust who could be regardless of them. He is sworn to support the constitution, and he takes his seat in this House, to legislate for the nation, under the provisions of that instrument. His own integrity, and the safety of our common institutions, depend upon his strict personal accountability: his own opinions, formed by the best lights of his own impartial judgment, must be his guide, and he cannot adopt those of others, when conflicting with his own, without a surrender of his conscience. In such cases, popular feeling and legislative recommendation can have no greater influence than to weaken one's confidence in his own impressions, and to dictate a re-investigation of the subject, to see if conclusions may not have been drawn from false premises, or views overlooked, which, if they had been adverted to, would have led to a different result. I have allowed the recommendation of the legislature of Delaware to have such an effect in this instance. I have deliberately reviewed and reconsidered this important subject, divested, I am sure, of any improper feeling, and prompted by every allurements of popular favor, to reach a conclusion in conformity with their views; but, I am bound to say, after this re-investigation, pursued with great labor, and a full sense of my responsibility, that I believe, in my conscience, that Congress does not possess the power to impose the contemplated re-

striction. In this belief, then, Mr. Chairman, and resting upon the principles of the constitution, and my duty to a power higher than any legislature, I must regret the difference of opinion, and be contented with an upright discharge of my public trust. I will take leave to say, sir, in the language of an illustrious man, on another occasion, whom I could desire to imitate in many other respects, "I honor the people and respect the legislature; but there are many things in the favor of either, which are objects, in my account, not worth ambition. I wish popularity, but it is that popularity which follows, not that which is run after. It is that popularity which, sooner or later, never fails to do justice to the pursuit of noble ends, by noble means. I shall not, therefore, on this occasion, do what my conscience tells me is wrong, to court the applause of thousands; nor shall I avoid doing what I deem to be right, to avert the artillery of the press."

I shall not, in this place, sir, imitate the example of other gentlemen, by making professions of my love of liberty, and abhorrence of slavery; not because I do not entertain them, but because I consider that the great principles of neither are involved in this amendment. It is a coloring, to be sure, of which the subject is susceptible, and which has been used in great profusion, but it serves much more to inflame feelings and prejudices unfriendly to a dispassionate deliberation, than to aid the free exercise of an unbiassed judgment.

This amendment does not propose, nor has it for its object, to inhibit the introduction of slaves from parts beyond the United States: in such a scheme there is no intelligent man in the union who would not cordially concur. Neither does it propose to promote the emancipation of the slaves now in the country; this is admitted to be impracticable; the wildness of enthusiasm itself acknowledges its incompetency for such an undertaking. The truth is, sir, that this species of unhappy beings are now among us; brought here, in part, by events beyond our control, and, in

part, under the authority of our own constitution; and it behoves us, by a wise and prudent administration of our powers, to meliorate their condition, and accommodate the evil, as far as it may be practicable, to the peace and happiness of our white population, and the stability of our institutions. It is not pretended even that the condition of the unhappy slave himself would be improved by the success of this amendment: on the contrary, it has been insinuated, as boldly as the sentiment would justify, that his confinement to a narrower compass might lead to his extirpation, by the gradual, but sure process of harder labor, and scarcity of subsistence. I am free to say, that the condition of the slave himself would be meliorated by his dispersion; nor do I attach the same importance, as some gentlemen appear to do, to the danger of encouraging an illicit importation from abroad, by permitting a market west of the Mississippi. It is an argument founded on the futility of legal restraint, the worst possible species of argument by which a legislature could be influenced. It would prove the inutility of every act of legislation, or might be used to justify every species of usurpation. It would equally demonstrate the futility of the proposed amendment itself; for, if gentlemen cannot hope to exterminate the foreign slave trade, by all the precautions legitimately in their power, founded in a unanimity of legislation, strengthened by the powerful force of public sentiment, and the abominable nature of the traffic itself, what greater reliance can they place upon this restriction, foisted into the constitution of a free people, against their consent, on which account, alone, it would be an object of hatred and contempt, and the violation be winked at by a great portion of the people, if not by their public authorities?

Sir, this amendment does not even propose to prevent the introduction of slavery into Missouri for the first time; it has already taken root there; we found it there when we acquired the territory, and it has grown and extended under the sanction of our own

laws; but the whole force and effect of the amendment is, to take from the people of Missouri the right to decide, for themselves, whether they will permit persons removing thither, from other states in which slavery is tolerated, to take their slaves with them. This object would not be undesirable, if it could be accomplished by the legitimate powers of Congress; but we have no right to do it by an assumption of power in ourselves, or by an unauthorized use of the power of others.

Mr. Chairman, the great question involved in this amendment, is neither more nor less than this: whether Congress can interfere with the people of Missouri in the formation of their constitution, to compel them to introduce into it any provision, touching their municipal rights, against their consent, and to give up their right to change it, whatever may be their future condition, or that of their posterity? Every thing beyond this is merely the imposing garb in which the power comes recommended to us. It is certainly true, that an attempt to take from this people the right of deciding whether they will, or will not tolerate slavery among them, is less objectionable, because of its end, than it would be if it interfered with some other local relation, or right of property; but the power to do this implies a power of much greater expansion. Congress has no greater power over slavery, or the rights of the owner, in any particular state, than it has over any other local relation, or domestic right; and, therefore, a power to interfere with one, must be derived from a power to interfere with all. Sir, it is manifest, from the avowal of the honorable mover, that he contemplates a wider scope of power, and the attainment of important ends, other than those which lie upon the surface of this amendment. The gentleman seemed not to limit his view to the municipal effect of this power; in his eye it was to have an indirect operation upon the federal powers of the general government; since his chief objection appeared to be to the enumeration of slaves in the ratio of congressional

representation. Sir, I think it will be in my power to show that the gentleman's fears, on this score, are groundless ; but they serve to prove, nevertheless, that this is neither, wholly, a question of slavery, nor a power limited to this single object, but that it is only one, selected from an immense mass of power, authorizing Congress to control the rights of a free people, in the formation of their state constitution ; and, in this way, to enlarge the operation, if not the nature, of the political power of the general government.

Having thus attempted to place the real question before the committee, upon what I conceive to be its true grounds, I beg leave to invite their attention to a closer examination of this subject.

By the constitution of the United States, it is provided, that "new states may be admitted, by the Congress, into this union." This is a power to "admit" a "state"—it is no power to form, or create, a state ; it presupposes the right to form a state to reside elsewhere, and, as I shall attempt to show more particularly hereafter, that right resides in the people, and this clause invests Congress with no power to interfere with the exercise of it. It is, also, a power to "admit" a "state"—it is not to admit a territory, or any thing less than a state ; and it is a power to "admit" a "state into this union." This union, as I shall presently show, is nothing more than a compact between the states who compose it, and the general government ; and if any member of it is admitted upon the principles of a different compact, or with fewer or greater privileges, the union, in that respect, would be changed.

Such a limitation is no disparagement upon the powers of Congress : and, in ordinary cases, would be sufficient for every useful purpose. The power, in itself, is, ordinarily, discretionary, and in the exercise of this discretion, where it existed, the power would be competent to attain all ends consistent with the principles of a republican government. In every case, where the discretion existed, the people, composing the state or community applying for admission, would form

their constitution according to their own views of their welfare and happiness, present it for the acceptance of Congress, and solicit admission. The power to be exercised by Congress, in such a case, would be to "admit" or reject; in the exercise of this discretion, it would be their duty to consider the nature of the constitution, its influence upon the habits and character of the people who were to be governed by it, and, also, its conformity with the spirit and principles of the people of the United States, as well as the effect of a new state upon the interests, and conditions of the union, generally. If, after this deliberation, Congress should be willing to exercise their power to "admit," they would, of course, do so; but they would admit a "state" governed by a constitution formed by the people, for their own government, in whom alone, the power to form it resides; and the state, so admitted, would take her station with the others composing the union, and then, and not sooner, the powers of the general government would operate upon her in common with all the others. If, on the other hand, Congress should refuse to "admit," the people would remain in their former condition; if it were a state independent of the union, it would continue in its government; if a territory, belonging to the United States, it would remain under a territorial form of government, until, by a re-modification of their constitution, or the views of different councils, they could obtain the assent of Congress to their admission into the union. But I contend that, in such case, whatever may have been the provisions of the constitution of such people at the time of their admission into the union, they would have the right under the principles of our government to change it, if their happiness and the condition of their internal affairs should at any time render it necessary.

If, in this instance, Mr. Chairman, the ordinary discretion of Congress existed, I should be disposed to exercise it, and refuse to admit the state, until the constitution was formed according to my views of the great interests of this union; though I am free to ad-

mit, that much is due to the principles of our republican policy for extending the blessings of self-government to all its people, as soon as their numbers will admit of it, and of holding as few of our people as possible in a state of colonial dependence. But, sir, I contend that, in regard to the people of Missouri, our discretion has been surrendered by the legitimate authority of the government, and by Congress itself, and that we are not now free to exercise it.

[Mr. M'Lane here observed that the people of Missouri, demanded admission into the union, as a right secured to them by the treaty of 1803, and did not solicit it as a favor. Having examined the subject in this point of view, he proceeded as follows:]

It appears to me, therefore, Mr. Chairman, to be established past controversy, that Congress is bound to admit the Missouri Territory into the union, and that we have no discretion to admit or reject. If we have no such discretion, how is it possible that we can require from the people any terms which are founded on this discretion. We can only enforce our terms, by declining to admit the state unless they are assented to; but we have no power to refuse to admit, and therefore we have as little power to prescribe the terms of admission. I am willing to admit, however, sir, that if there be any thing in the constitution of the United States, which will authorize Congress to impose this restriction upon the people of Missouri, independent of our power to reject the state, the treaty will not prevent its exercise. These people, though they have a right to be incorporated into the union as a state, as the people of a state, they are to be entitled to no greater privileges, or liable to greater obligations, than the people of any other state, under the federal constitution.

What, then, are the principles of the federal constitution, and the powers conferred upon Congress in this respect?

The fundamental principle of this and of every republican government, is, that the sovereign power resides, and is inherent in the people, and not in the gov-



ernment. The sovereign power is the right of the people to unite together for objects of their mutual safety and advantage, and to establish a public authority to order and direct what is to be done by each in relation to the end of the association. Upon the principles of our government, all the sovereignty is in the people; they are the fountain whence it all flows, and the general government has no power than what the people have delegated to it for federal purposes. These are the rights asserted in the declaration of independence; they are those for which our fathers contended with Great Britain, and, wherever man is found, he is found in the possession of them. In the establishment of the public authority, a greater or less portion of power may be delegated by the people, by voluntary engagements; but, whatever may be the power delegated, the sovereignty is not impaired, since it was by their will, and may be recalled or modified by the same will, when the ends and objects of their association require it; all governments are instituted for the protection of this right in the people. Before the formation of the union, the people of each state were sovereign and independent; they had exercised their sovereignty in the formation of state constitutions and governments; they not only retained all power not given to these governments by their constitutions, but they possessed the right and power of altering and changing their constitutions at will. In virtue of this sovereign power, the people of the old states consented to form a compact of union, for their mutual safety and equality of rights, and they consented to vest, in the government of the union, certain powers, the better to guarantee to the people the enjoyment of the remainder. The powers of the general government are, therefore, limited, and all the power not delegated remains with the states, as far as their constitutions give it, and with the people. In all other respects the states and the people are as completely sovereign as they were before the union. It will not be pretended that the people have ever surrendered their right to alter

and change their state constitutions, and to make any provision not inconsistent with the constitution of the United States. It follows, then, from these principles, that a state is a body of men united together for their common interest; the term imports sovereignty, and, in our union, it imports that portion of sovereignty which has not been given to the general government, and which resides with the people. When we speak, therefore, of admitting a state into the union, we can mean nothing more, than the admission of a community of people, in whom the sovereign power resides, into another community of states, by which they voluntarily agree to refrain from the exercise of a certain portion of their power, whenever it is incompatible with the powers of the union; in every other respect, their power remains as it did before their admission. The admission of a state cannot enlarge the powers of the union, though it may limit the exercise of the sovereignty in the state. The powers, exerted by the general government, are in virtue of the authority vested in it by the constitution, while the powers, exerted by the state governments, are in virtue of the sovereign power in the people. The interference of Congress can neither change the original compact of the union, nor abridge the rights of the people. The moment a new state is admitted, the people advance to the enjoyment of the federal rights, and the general government to the exercise of the federal powers, not in consequence of any new compact, but in virtue of the old compact in the constitution of the United States, to which the people of the new state voluntarily submit and become parties, when they are admitted into the union. The general government cannot alter this constitution; they can only exercise the powers conferred by it. They cannot, therefore, deprive the people of a new state of any federal right, which, in relation to them, does not exist until their admission into the union. The federal rights of the people, and the powers of Congress, spring into existence together. The powers of Congress are wholly independent of the na-

ture or provisions of the state constitution, whatever that constitution may be; they have an uncontrolled sway within their federal sphere; and, therefore, no new compact can be necessary to their operation. If, then, Congress can exercise no federal power until the state is admitted, and if upon that admission they can neither abridge nor augment the federal rights, by what authority can they interfere with municipal rights which form no part of the constitution of the United States, but reside in the people? It cannot be reasonably contended that the general government can form a state constitution; if they cannot form it in the whole, they cannot form it in part. How can they make a constitution for a state, when they could not make their own, and cannot alter it now that it has been made by the people and states? If the general government can confer no municipal rights, it is because they neither possess any, nor have the power to control them; and if they cannot enlarge, it is impossible they can abridge them.

The powers of the general government are purely federal; they are neither national, or municipal: the rights of the people, in their state governments, are both national and municipal. The jurisdiction of the federal government extends to the connexions, intercourse and commerce of the republic with foreign states and nations, and with each other as sovereign, independent states. But the administration of all their local concerns; the regulation of their domestic relations; the rights of property, together with the whole routine of municipal regulations, belong to the states and the people. Judge Tucker, in his commentary upon the constitution of the United States, adopts this as the grand boundary, as marking the limits between the federal and state jurisdictions; to the former he allots "jurisdiction in all cases arising under the political laws of the confederacy, or such as relate to its general concerns with foreign nations, or to the several states, as members of the confederacy; and to the latter the cognizance of all matters of a civil nature, or

such as properly belong to the head of municipal law, except in one or two instances which, being in derogation of the municipal jurisdiction of the several states, ought to be strictly construed."—1 vol. Tuck. Black. 178.

The only instances which now occur to me, in which the general government possess any municipal power, are those to pass laws of bankruptcy and naturalization, and the right of securing to authors and inventors the use of their productions. In all other cases, in which the exercise of the municipal powers of a state are abridged, it is by restricting their operation, both by the state and the general government, as incompatible with some other power vested in the union. I never before heard it contended, that the general government could, in any manner, interfere with the local affairs of a state, or the rights of property of the people. Their power to do so is denied by every commentator who has undertaken to expound the constitution. In the second volume of the *Federalist*, p. 82, it is said, "The powers delegated by the proposed constitution of the federal government, are few and defined. Those which are to remain to the state governments, are numerous and indefinite. The former will be exercised principally on external objects—as war, peace, negotiation and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the state." Judge Tucker, also, in another part of his commentary on that clause of the constitution reserving to the states and the people all power not delegated, says, "The Congress of the United States possess no power to regulate or interfere with the domestic concerns or police of any state: it belongs not to them to establish any rules respecting the rights of property."—Tuck. Black. p. 315.

If then Congress possess no municipal powers, no power to interfere in the local concerns of a state, or to establish rules respecting the rights of property, by what mode of reasoning can they acquire any such power against the consent of those from whom it is to be wrested, or in any manner interfere with its exercise by the legitimate authority? If Missouri were admitted as a state, no such power could be exercised by the general government; they are then attempting to force the people of a state to give them a power which the constitution of the United States denies to them!

If then Congress can exercise no municipal power, the right to do so resides with the people; and, when they come to form a constitution, they exert it in the manner most conducive to their happiness. Congress can do no more than authorize the people to exert the power which is thus inherent in them. There is a manifest distinction between the existence of a right, and the exercise of that right. The right may remain dormant for any length of time, and so it does with the people of the territory, until the permission of the general government is given; then it is the right becomes active; but it is still the right of the people, and not of Congress. It is the sovereign power; which consists in the right to establish a public authority to order and direct the local affairs in relation to the end of the association. This authority includes their executive, legislative and judiciary departments; the rights of life, liberty and property; the course in which property may be transmitted; the manner in which debts may be recovered; the right of defining and punishing offences against society; and the establishment and regulation of all the domestic relations—husband and wife, parent and child, guardian and ward, master and servant. Could Congress, in authorizing a people to form a constitution, control any of these regulations, or modify either of the above relations? Could we prescribe the term of office of the executive, or the mode of selecting or appointing the legislature or judiciary? Could we say that property

should not descend to all the children equally, or not be devisable by will? Could we define the marital rights, or establish certain relations between parent and child, guardian and ward, or master and servant? No one can pretend that we could, and for the plain reason that they are objects of municipal power, of which we are entirely destitute. The relation of master and slave is but a domestic relation, involving the right of property, and every legal consequence of such a relation. There are no rights growing out of the relation of master and servant, that do not attach to that of master and slave, excepting that the master may have greater power, and the slave fewer rights; but the rights of the master are, nevertheless, rights of property, and his obligations are, to use the property in conformity with the laws and municipal regulations of the state of which he is a member. It is a domestic relation in every state of the union in which it exists, and the subject of their municipal power. I shall not stop to inquire into the moral nature of this relation, or the right of sovereign power to tolerate it, though I think it is apparent that the power to hold a man in slavery is the highest exercise of sovereignty: it is sufficient for this argument, that it was a subsisting relation in these states; that the constitution of the United States found it existing, recognized it as the subject of property, cognizable by the municipal jurisdiction of the state, and stipulated to guarantee both the property and the jurisdiction.

The union itself is composed of states, and the constitution formed by people tolerating slavery, and holding their slaves as subjects of property; and it never could have been their design to establish an authority competent to subvert this property. The general government have recognized this relation as the subject of property, by accepting the transfer of territory from North Carolina, with an express stipulation that Congress should not even inhibit the toleration of slavery within it, while it remained under a territorial form of government. The constitution also

recognizes the right of property in slaves, by providing for their enumeration in the ratio of representation, and by constituting them the objects of taxation. A recurrence to the fifty-fourth number of the federalist will show that this article was founded chiefly on the idea that slaves were property. It is there said expressly, that "slaves are considered as property." It further recognizes property in a slave, and also the authority of the municipal jurisdiction, in leaving the regulation of the states in this respect undisturbed, under which they are bought and sold, for payment of debts, as property, pass to executors and administrators as property, and its free enjoyment protected in the same manner as any other species of property. But, sir, the constitution not only recognized property in slaves held at the time of its adoption, but it guaranteed the right of the people of the United States to import them from abroad for the period of twenty years. It not only refrained from disturbing the property existing, or with its natural increase, but it encouraged an accession to its numbers through the most odious channel. This very amendment treats it as property, since it deems the existing slaves as sacred, and speaks freedom only to their future progeny. So far the provisions of the constitution are confined to the recognition of property in slaves, both in enjoyment and accumulation. But it does not stop here: it protects the enjoyment of the property against the encroachment of municipal jurisdiction. This is clearly inferable from the second section of the fourth article, which authorizes an absconding slave to be reclaimed, by his owner. This provision is a complete exposition of the whole spirit of the constitution. It admits the right in each state to make its own regulations upon this species of property; to tolerate or abolish. Without this clause in the constitution, it would have been in the power of each state to abolish slavery, and prevent the owner even of an absconding slave from claiming him as such. The probability that such a policy would be adopted in some of the states, suggested the

necessity of this provision, and it therefore became one of the objects of the constitution to protect this very species of property. All the power, therefore, in Congress, over the slaves legitimately brought here, is a protecting power for the benefit of the owner, and a protecting power merely against the conflicting policy of state regulations, of which it is the peculiar object. But the instant it is admitted to be property, it becomes the subject of municipal authority only, and is invested with all the rights and disabilities of property. It would be very difficult to assign a reason why the rights of the owner in this, more than in any other species of property, could be affected. And yet it is directly invaded by this amendment.

It first proposes to set free the issue of all the slaves now in Missouri, in the face of the treaty, which stipulates that the inhabitants shall be protected in the free enjoyment of their property; and it further interferes with the citizen of another state, in the use of the very property which the constitution permitted him to acquire, and stipulated to protect, or, at least, not to destroy. If this restriction be not imposed, the citizen of the south would be permitted to remove to Missouri, and take his slaves with him, provided the municipal laws of that people did not prohibit him. But, as the Congress cannot destroy this right by a direct law, they propose to do it by an indirect assumption of power, in which is involved not merely a usurpation of the rights of the people of Missouri, but a violation of the guarantee to the rest of the states !

We have been referred, however, to the declaration of independence, as declaratory of the principles of the constitution, in this respect. I should scarcely have deemed this topic worthy of an answer, but for the confidence with which it has been reiterated in this debate. If the abstract principles contained in this memorable paper, could possibly be supposed to have any reference to the condition of the black population in the United States, yet, as it preceded the



adoption of the constitution, their practical effect must depend altogether upon the positive provisions of that charter. But the truth is, sir, that the Declaration of Independence had no reference to those persons who were, at that time, held in slavery. It was pronounced by the freemen of the country, and not by slaves. No one pretended that they acquired any claim to freedom on this account; on the contrary, the revolution found them in a state of servitude, the acknowledgment of our actual independence left them so, and the constitution of the United States perpetuated their condition. The declaration of independence was the act of open resistance on the part of the white freemen of the colonies, against the pretensions of the mother country to govern them without their consent; to assert their unalienable right of self-government, and to alter or abolish it whenever it should be necessary to effect their safety and happiness. It was the resistance of freemen to the assumption of a power on the part of Great Britain, precisely similar to that which we are now endeavoring to impose upon the people of Missouri. It expressly asserts the principles, that "all just powers of government are derived from the consent of the governed; and the right of the people to alter or abolish, and institute it anew, as to them shall seem most likely to effect their safety and happiness." I do not deny that the principles of the declaration of independence are those of the constitution; on the contrary, I admit that they are those upon which all our institutions repose; they are those upon which the people of Missouri claim the right to make their own constitution, and resist the imposition of any species of government, deriving its power from any other source. But I contend that it never designed to assume or assert any principle whatsoever in regard to the slave population of the United States, and, therefore, that it cannot be used in this debate, either as declaratory of their rights, or explanatory of the principles of the constitution and government in their behalf. It is un-

reasonable to assert the contrary, when every one knows that while the freemen of this country were openly resisting the usurpations of the British crown, they did not relax, in the slightest degree, their hold upon the negro slave; and to him it was a matter of entire unconcern, who should govern his master, as, in all conditions, his master would continue to govern him. I do not advocate the consistency of all this. I take things as I find them under our form of government, though when we throw our eye towards St. Domingo, and reflect upon the scenes which ensued, the heedless enthusiasm which characterized the French Revolution, we cannot fail to admire the cautious wisdom of our ancestors in not hazarding the great object of their struggle, by suddenly letting loose their unfortunate, though degraded, slave population.

Besides, sir, the principles of the declaration of independence would not be satisfied by merely loosening the shackles of the slaves; they would assert not only the rights of a freeman, but an equality of those rights, civil and political. And where is the state in the union in which the emancipated negro has been admitted to the enjoyment of equal rights with the white population? I know of none. In some, to be sure, their rights may be greater than in others; but in none, I believe, are they on an equality. In the state which I have the honor, in part, to represent, it has been the settled, uniform policy to preserve a marked and wide discrimination, and I am free to express a hope that the policy will never be abandoned. I am an enemy to slavery, but I should deprecate a policy assailing that discrimination, which reason and nature have interposed between the white and black population. I forbear to press this part of the subject, sir, it presents many dark images, which it would be unbecoming in me here to express.

But, Mr. Chairman, the honorable mover of this resolution has said that we are not now enforcing the old compact of union, but are to make a new one, with a new state, and he derived this power from the

clause authorizing Congress to admit new states, though he did not take the trouble to deal much, in detail, upon this point.

I shall not deny that Congress have the power to make a contract, where the parties, which it is to affect, voluntarily enter into it, and where it is necessary in the exercise of the legitimate objects of the government; but they cannot make a contract upon any subject beyond their delegated powers, nor can they make a contract which varies the original compact of union, the essence of which is an equality of rights among the states. If, therefore, Congress possess no municipal powers under the constitution, nor the power to control them in the states, they can acquire none by any new contract; for this would be to get more power than it was designed they should possess.

Sir, this argument of the honorable mover is a decided exposition of the broad nature of the power, and the weakness of his cause. If this restriction can be imposed only by contract, then it admits that the right is inherent in the people of Missouri; that we can only control it by contract with them; and, that if this contract is not conceded to by them, we have no power over it. By the contract, they are solicited to surrender a right which they would be at liberty to exercise, if not restrained by the contract; a right which we cannot exercise or interfere with, under the constitution, without the contract. It follows, then, that, under such a contract, if it were completed, the people would have fewer rights, or you more power, than the constitution confers. If such a doctrine could be tolerated, the general government would be omnipotent. Sir, the fallacy of the argument is yet more apparent. You do not even propose, by this compact to get the right of exercising a new power; for if the people of Missouri should agree to your terms, you could not take the power which you require them to surrender, since, by the constitution, you could not use it, any more than you could any other branch of their municipal authority; it would amount then to a stipulation,

that the state should not exercise the power which, if they were to surrender, you could not employ. It would not be a grant, but an extinction of power—a complete annihilation, never again to be resumed. It is impossible, upon any known principle, that such a contract could be good, since it proposes to destroy an unalienable right in the people—a right to alter or abolish their constitution of government.

But, again, sir, it is necessary, for the validity of any compact, that the parties should be both able and willing to contract. If it is not their voluntary act, it is not binding; it is a usurpation upon the unwilling party. Then here is a right in the people of Missouri to insert, or not, this provision in their constitution of state government; it is not incompatible with your powers; it depends wholly upon their sovereign will and pleasure to put it in, or leave it out, and to modify it, in this respect, at any future day; you desire, however, to have it in, and to guard against its revocation; you can only accomplish this by a contract, into which the people must voluntarily enter. But they refuse to make the contract; they say they are desirous to retain this right; they will not give it up. What, then, becomes of the idea of compact? Can you force them to agree to your terms? No: then what is your remedy? In ordinary cases, it would be to refuse to admit the state, until the constitution should be conformed to your views; and even this would resemble, very much, the exercise of force, by withholding immunities to which, according to the policy of the government, they would have a strong claim; but then the provisions of their constitution would not be unalterable, and you could not make them so. But what is your power or remedy, when this discretion to admit, or reject, is taken away? I know of none, consistent with the obligations of good faith. I have shown you that you have already made one contract with these people: I refer to the treaty, and the acts of Congress under it; and that, by the terms of this contract, you have bound yourselves to admit them into the union

with rights equal to those retained by the people of the other states. Is not that compact as solemn as any that could now be made? These people have fulfilled their part of the contract; you have enjoyed all the rights and advantages secured to you under it, and they come now and demand the performance of your part. What is the language you employ? You say, it is true we have made this contract with you, but it turns out to be, in a view of a part of the country, a hard bargain; it secures to you more rights, and allows us less discretion, than we are willing to submit to; and, unless you will now consent to change its terms, and enter into a new compact, by which you are to have fewer rights than the citizens of any other state, we will violate our faith! We have agreed to admit you as a state; but, unless you consent to be less than a state, we will do nothing! We will have nothing to say to you, unless you will now bind yourselves and your posterity, by an irrevocable ordinance, to let us make your constitution in abridgment of your rights, which shall be unalterable in all future times. Sir, between individuals, such a case would require only to be stated, to expose its fallacy and injustice; and I can acknowledge no different principles between states, more especially where your want of good faith infuses the spirit of jealousy into the minds of your citizens, and weakens the great rock, of confidence in your justice, upon which the power of this union reposes!

But the ordinance of '87, has been referred to, and confidently relied upon, by the honorable gentleman from Pennsylvania, (Mr. Hemphill,) as illustrative of his idea of compact, and the powers of Congress in this respect. The cases are entirely dissimilar. I shall not detain you, Mr. Chairman, with a repetition of the arguments so often urged, with great ability and much success, against the legality of this ordinance: I shall content myself with showing its inapplicability, in fact or principle, to the case now under our consideration. We have now nothing to do either with the principles of that ordinance or the authority

by which it was established. The people of Missouri do not claim to be admitted according to the principles of either; but they demand admission according to the terms of the treaty and the principles of the present constitution.

This ordinance was the act of the old confederation; and whatever power they may have had to acquire the ceded territory, it is admitted, on all hands, that they possessed no authority to establish a territorial form of government, or to admit new states, without the consent of nine of the states composing the old confederacy. The territory northwest of the Ohio, to which the ordinance was applied, was ceded by Virginia; it was, at the time of its cession, uninhabited, excepting by a few French and Canadian settlers, who held slaves; after its acquisition by the old confederacy, it was discovered that they had no power to govern it, without the consent of the state by whom it was ceded; they therefore framed the ordinance of '87, providing for its erection into states, and for the prohibition of involuntary servitude. This ordinance was to be in the nature of a compact, between the states ceding it, the United States, and the people of the territories; it became necessary, therefore, to obtain the consent of the state of Virginia to the ordinance, which she gave by her act passed the 30th of December, 1788; and in this manner the ordinance of '87 may be considered as forming the terms of the cession by the state of Virginia. The French and Canadian inhabitants there, at the time of the cession, were not affected by the ordinance: they continued to hold their slaves, the issue of which are held by their posterity to the present day. This ordinance was considered doubtful, until the adoption of the present constitution, by the first clause of the sixth article of which it was supposed to be confirmed.

But this confirmation shows it to be in the nature of a compact, and not of a law; a compact voluntarily entered into by all the parties connected with it; not incorporated in the present constitution as a grant of power, or explanatory of its principles; but merely

sanctioned by a simple clause, providing for the validity of contracts. It was a contract made by the party ceding the territory; it did not propose to affect the rights of persons residing there; it was to operate as a contract upon those who should subsequently remove thither; such persons, therefore, went under this ordinance; they voluntarily became parties to it; and such only settled there as were willing to live without slaves, and subject to the terms of the compact. In this manner the country became settled by a non-slave-holding population, and when they came to make their constitution and state governments, they voluntarily framed them according to their own feelings and habits. Beyond this, I deny that there was any binding force in this ordinance. It was not competent for it to take away the right of altering the constitution, though it is a right existing in theory merely, as the interests of the people will no doubt always prevent any alteration in this respect. If the same policy had been pursued by Congress in respect to the territory of Louisiana, from the date of its acquisition, a similar effect would have been produced, and all the unpleasant convulsions to which the present attempt to usurp power is likely to give rise, would have been prevented.

So far, then, as this famous ordinance is good for any thing, it is good only in the nature of a contract; it is so treated by every gentleman who has noticed it in debate; and a contract made before the present constitution, and applicable to a particular territory, by the consent of the power ceding it. It has, then, clearly performed its office; it is *functus officio*; it applies to no other territory either in fact or principle. It does not follow, that, because the old confederation concluded a contract, which the people of the United States subsequently confirmed, that therefore the present Congress can make a similar contract, enlarging their own powers, without the same sanction of the people of the United States, who have yet delegated no such authority.

But here the people of Missouri have a contract al-

so, though it is one of a very different nature from that of the ordinance of '87. Their contract stipulates for their admission to the enjoyment of equal rights, immunities, and advantages of citizens of the United States, and the restriction proposed can only be enforced by compact, independent of the constitution. We say to them, that, unless they will agree to tack the ordinance of '87 to the treaty, whose provisions will thereby be entirely varied, we will violate its terms or disregard them. What would have been said, if we had insisted upon similar concessions by the states formed out of the territory ceded by North Carolina, which were, also, admitted according to the terms of the contract of cession? We have as little right to insist upon them in regard to the people of Missouri as we had to dictate them to these states. It is in both cases a violation of good faith. Under this treaty, we accepted a territory in which slavery existed, and rights of property recognized by the government ceding it. We stipulated to protect the enjoyment of that property. We have encouraged emigration of the free citizens of the United States thither by our whole course of policy. We have, in no instance, attempted to interdict the transportation of slaves there, excepting by a law which lived but a year and was then repealed; this law prevented their introduction there for sale merely; it permitted, and thereby encouraged, their introduction by persons removing into the territory to settle. In this way, under our own auspices, this species of property has been acquired, and we now attempt, in the face of our own acts, and in defiance of the treaty, not only to force the people of Missouri to give up their right to form their constitution, in regard to the future introduction of slaves by persons going there to live, but also to annihilate all the rights already acquired: we force them to do what we never thought it prudent ourselves to attempt, even when we had the power!

No little reliance has also been placed, by the honorable mover, upon the clause in the constitution, vest-



ing in Congress a power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.

I do not propose to enter minutely into the inquiry whether the power of Congress to establish a territorial government, is derived from this clause. I incline to the opinion that it is not. The power, here conferred, is a power to dispose of, and make needful rules respecting, the property of the United States. It was designed, I think, to authorize the sale of the land for purposes of the revenue, and all regulations which might be deemed necessary for its proper disposition; or to convert it to other public objects, disconnected with sale or revenue; to retain this power even after the territory had assumed a state government, and perhaps to divest from the state government the right of taxing it, as it would do the property of individuals. It is silent as to the people; and their slaves are the property of their owners, and not of the government. The right to govern a territory is clearly incident to the right of acquiring it. It would be absurd to say, that any government might purchase a territory with a population, and not have the power to give them laws; but from whatever source the power is derivable, I admit it to be plenary, so long as it remains in a condition of territorial dependence, but no longer. I am willing, at any time, to exercise this power. I regret that it has not been done sooner. But, though Congress can give laws to a territory, it cannot prescribe them to a state. The condition of the people of a territory is to be governed by others; of a state to govern themselves. This is the great favor we permit them to enjoy when we exalt them to the character of a state. The instant we authorize them to form their constitution, the territorial disabilities, and the powers of Congress over them, crumble together in the dust. A new being, and a new relation spring up; the state authority, derived from the just powers of the people, takes its place; every feature of the territorial authority becomes effaced, and the federal powers of Con-

gress, encircling a state, commence their operation. There is nothing of territorial disability on the one hand, or territorial authority on the other, which passes into the new order of things; if they did, the state would be incomplete.

[It had been very confidently asserted, by some of the advocates of the proposed amendment, that Congress were invested with the power of prohibiting the removal of slaves from one state of the union to another, by the ninth section of the first article of the constitution, which provides, that "the migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808; but a tax, or duty, may be imposed on such importation, not exceeding ten dollars for each person." After replying to the arguments which had been advanced in support of this position, Mr. M'Lane proceeded.]

Mr. Chairman, having consumed so much of the time of the committee in the constitutional question, I have not the power, if I possessed the inclination, to enter into a consideration of the expediency of this amendment. It is sufficient for me to know, that the constitution forbids me to adopt it, though I am free to acknowledge that the establishment of a precedent for interfering in the formation of state constitutions is of a very dangerous character. But, surely, sir, our right ought to be very clear before we pursue it in a case like the present. It involves consequences of too serious a nature to be hazarded upon a doubtful power. It is worse than an attempt to legislate in a case in which your power was ambiguous, and in which your authority could be examined, and sustained, or overruled, by the judicial tribunals of the nation, which are the common arbiters of us all. It forces an odious measure upon an unwilling people, in a form which leaves them no redress in any pacific course. If they do not tamely submit to the restriction, you must either ignominiously abandon, or impose it by force! Impose it, sir? No! But make the hazardous at

tempt to enforce its imposition! I will not enumerate the effects of such a conflict. I pray heaven it may never happen, but I will say that, in my opinion, the object is not worth the conflict.

Sir, I invite gentlemen to look at the present state of the public councils, and consider whether they do not hazard their whole object by persisting in a measure so repugnant to the ardent feelings of at least one moiety of this empire, and so much opposed to the constitutional views of many of the friends of the avowed policy. It is a consideration to which a statesman is bound to look: if actuated by motives of humanity and the public peace, they would be criminal to disregard it. We see it ascertained beyond doubt, that the senate will not consent to this restriction, and that, if we persist in it, they will not unite even in any territorial regulation. The introduction of slaves into the western country will remain free. Those who desire to send this property there for sale will be stimulated to do so without delay; the market there will rise in apprehension of the future acts of Congress, dealers and settlers will take advantage of it; and thus slavery will become too deeply rooted to yield to any means of extirpation which future councils may employ. In the mean time, too, public excitement increases; evil men seize upon the occasion to promote their designs; local prejudices spring up, and the spirit of jealousy and discord is roused in all parts of the country, which they who engender will be wholly unable to allay or direct. But if, consulting the present state of things, gentlemen will yield something to a spirit of harmony and mutual interests, we may now put this unpleasant subject to sleep forever. The people of Missouri will enter the union with their rights unimpaired, and their feelings undisturbed, devoted to your institutions, and inspired with full confidence in your justice and generosity; the territorial soil will then be unpolluted with slavery. Its introduction in regard to that being prohibited, much the largest portion of the western world will be peopled by a population unfriendly to slavery;

and when they come to frame their state constitutions, preparatory to their future admission into the union, they will voluntarily form them in conformity with their habits and principles; for, I desire to be understood as denying the authority of Congress to make any regulations for a territory, which can be binding upon the people against their consent, when they come to make their constitution, and after their admission into the union. I sanctify no irrevocable ordinances. But their territorial regulations will accomplish the object by creating a population whose interests it will be voluntarily to adopt the restriction. In this way, too, Missouri will be seated in the midst of non-slave-holding states, and the force of public sentiment will soon lead to the emancipation of her present slave population. For the accomplishment of all these objects, gentlemen are called upon merely to abstain from the assumption of a doubtful power over a resisting people!

Mr. Chairman, the union of these states is the production of the spirit of harmony and compromise. Do we remember how much our fathers surrendered to compose, and shall we refuse to surrender any thing to preserve it? It was founded in common confidence, and for common benefits; it must be cherished by a common affection and forbearance, or it will scarcely survive the hands which planted it. The founders of the union had their own advantage and the welfare of their children to recommend its adoption; we have our interests, the welfare of our posterity, and the duty we owe to those who transmitted it to us, to perpetuate its blessings. Shall it be said, that we will not sacrifice one prejudice on the altar of the union for its preservation, when they offered up thousands to rear it! They not only tolerated the existing slavery, but in the spirit of mutual compromise, consented to its augmentation from abroad for twenty years! We are only required to leave undisturbed that which they entailed upon us; nay, sir, we are merely required to abstain from encroaching upon the rights of the people, and, in doing so, multiply the

chances of emancipation, and meliorate the condition of the slave.

Sir, if the cause of this restriction upon the people of Missouri, is deaf to all these considerations, and stubbornly sacrifices all, rather than yield a part, I pronounce it an unholy and an unprofitable cause. It carries no peace to the bosom of the enslaved African now on your shores, it neither casts off his fetters, nor lightens his burden. Pass this restriction, and his chains are rivetted as tight as ever; his doom is fixed as irrevocably, nay, more so than before. It may serve, however, Mr. Chairman, to foment political cabals, and promote the unhallowed views of the ambitious and designing. I do not say that such was its object in its origin; I am sure it was not; and I do not believe there is any gentleman on this floor who could be the tool in such an intrigue. But may there not be men out of this House, who would avail themselves of such a state of public excitement, to accomplish the possession of power? Sir, may there not be men out of this House, who are now adding to the impetus which this subject has received for such a purpose? Gentlemen will remember, that the objects of an ambitious man are generally more than half accomplished, before he is willing to avow them. I will not say that there are such, but I will say, if there are, they are unworthy of any public trust in this nation. Nor, sir, will they have much reason to rejoice in their triumph, should they be successful. No political power can be permanent in this country, which shall be founded on local jealousy, and geographical distinctions. Public honors, to be durable, must be won by public services and distinguished merit; they must be sought through the affectionate confidence of a virtuous and intelligent community; they must be the offspring of public gratitude for public worth. Power, acquired in any other way, will not be worth possessing: he, who acquires it by these divisions and distinctions, will not lie upon a bed of roses; his honors will be worn by a fretful if not a criminal brow, and, in the

midst of a discontented and distracted empire. He will come to the councils of a people disordered by intestine feuds, with feelings embittered by the recollection of domestic strife: his triumph would be as evanescent as uncomfortable. I repeat it, sir, that it will be well for gentlemen to consider whether there are not men who will take advantage of the present agitation, to engender all this mischief. Sir, if there should be one such, it is our duty to defeat his machinations; he is unworthy our confidence; sir, he sits a cormorant in the tree of life,

“ ——— devising death  
To them who live.”—

# **SPEECH OF JOHN SERGEANT,**

ON

**A BILL TO ENABLE THE PEOPLE OF THE MISSOURI TERRITORY TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF SUCH STATE INTO THE UNION ;**

**DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, FEBRUARY 9, 1820.**

The question before the committee was on agreeing to the following amendment :—

“ And shall ordain and establish that there shall be neither slavery nor involuntary servitude in the said state, otherwise than in the punishment of crimes whereof the party shall have been duly convicted. Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any other state, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. And provided also, that the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territory.”



**MR. CHAIRMAN,**

**THE** important question, now before the committee, has already engaged the best talents and commanded the deepest attention of the nation. What the people strongly feel, it is natural that they should freely express ; and whether this is done by pamphlets and essays, by the resolutions of meetings of citizens, or by the votes of state legislatures, it is equally legitimate, and entitled to respect, as the voice of the public, upon a great and interesting public measure. The free expression of opinion, is one of the rights guaranteed by the constitution, and, in a government like ours, it is an invaluable right. It has not, therefore, been without some surprise and concern, that I have heard it com-

plained of, and even censured in this debate. One member suggests to us that, in the excitement which prevails, he discerns the efforts of what he has termed an "expiring party," aiming to re-establish itself in the possession of power, and has spoken of a "juggler behind the scene." He surely has not reflected upon the magnitude of the principle contended for, or he would have perceived at once the utter insignificance of all objects of factious and party contest, when compared with the mighty interests it involves. It concerns ages to come, and millions to be born. We, who are here, our dissensions and conflicts, are nothing, absolutely nothing, in the comparison: and I cannot well conceive, that any man, who is capable of raising his view to the elevation of this great question, could suddenly bring it down to the low and paltry consideration of party interests and party motives.

Another member, (Mr. M'Lane,) taking indeed a more liberal ground, has warned us against ambitious and designing men, who, he thinks, will always be ready to avail themselves of occasions of popular excitement, to mount into power upon the ruin of our government, and the destruction of our liberties. Sir, I am not afraid of what is called popular excitement—all history teaches us, that revolutions are not the work of men, but of time and circumstances, and a long train of preparation. Men do not produce them: they are brought on by corruption—they are generated in the quiet and stillness of apathy, and to my mind nothing could present a more frightful indication, than public indifference to such a question as this. It is not by vigorously maintaining great moral and political principles, in their purity, that we incur the danger. If gentlemen are sincerely desirous to perpetuate the blessings of that free constitution under which we live, I would advise them to apply their exertions to the preservation of public and private virtue, upon which its existence, I had almost said, entirely depends. As long as this is preserved, we have nothing to fear. When this shall be lost, when luxury and



vice and corruption, shall have usurped its place, then, indeed, a government resting upon the people for its support, must totter and decay, or yield to the designs of ambitious and aspiring men.

Another member, the gentleman to whom the committee lately listened with so much attention, (Mr. Clay,) after depicting forcibly and eloquently, what he deemed the probable consequences of the proposed amendment, appealed emphatically to Pennsylvania; "the unambitious Pennsylvania, the keystone of the federal arch," whether she would concur in a measure calculated to disturb the peace of the union. Sir, this was a single arch; it is rapidly becoming a combination of arches, and where the centre now is, whether in Kentucky or Pennsylvania, or where at any given time it will be, might be very difficult to tell. Pennsylvania may indeed be styled "unambitious," for she has not been anxious for what are commonly deemed honors and distinctions, nor eager to display her weight and importance in the affairs of the nation. She has, nevertheless, felt, and still does feel, her responsibility to the union; and under a just sense of her duty, has always been faithful to its interests, under every vicissitude, and in every exigency. But Pennsylvania feels also a high responsibility to a great moral principle, which she has long ago adopted with the most impressive solemnity, for the rule of her own conduct, and which she stands bound to assert and maintain, wherever her influence and power can be applied, without injury to the just rights of her sister states. It is this principle, and this alone, that now governs her conduct. She holds it too sacred to suffer it to be debased by association with any party or factious views, and she will pursue it with the singleness of heart, and with the firm but unoffending temper which belong to a conscientious discharge of duty, and which, I hope I may say, have characterized her conduct in all her relations. If any one desire to know what this principle is, he shall hear it in the language of Pennsylvania herself, as contained in the preamble to her act of abolition, passed in the year 1780. I

read it not without feelings of sincere satisfaction, as abridged by a foreign writer, with his introductory remark. (2 Belsham, 23, memoirs of Geo. 3.)

"It affords a grateful relief from the sensations which oppress the mind in listening to the tale of human folly and wretchedness, to revert to an act of the most exalted philanthropy, passed about this period, by the legislature of Pennsylvania, to the following purport:" "When we contemplate our abhorrence of that condition, to which the arms and tyranny of Great Britain were exerted to reduce us, when we look back on the variety of dangers to which we have been exposed, and deliverances wrought, when even hope and fortitude have become unequal to the conflict, we conceive it to be our duty, and rejoice that it is in our power, to extend a portion of that freedom to others, which hath been extended to us, to add one more step to universal civilization, by removing, as much as possible, the sorrows of those who have lived in undeserved bondage. Weaned by a long course of experience from those narrow prejudices and partialities we had imbibed, we conceive ourselves, at this particular period, called upon, by the blessings we have received, to manifest the sincerity of our profession. In justice, therefore, to persons who, having no prospect before them, whereon they may rest their sorrows and their hopes, have no reasonable inducement to render that service to society which otherwise they might; and also, in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain—Be it enacted, that no child born hereafter shall be a slave, &c." In this manner did Pennsylvania express her thankfulness for the deliverance that had been wrought for her, and I am confident she will never incur the sin and the danger of ingratitude.

Steadfastly as Pennsylvania holds the position here taken, she will not officiously obtrude her opinions upon her sister states. One of the grounds of her re-

joining, and one of the causes of her gratitude, was, that "she had it in her power to abolish slavery." She will not, in this respect, presume to judge for others, though she will rejoice if they too should have the power and feel the inclination. But, whenever the question presents itself, in a case where she has a right to judge, I trust she will be true to her own principles, and do her duty. Such I take to be the case now before the committee.

The proposed amendment presents for consideration three questions: that of the constitutional power of Congress, that which arises out of the treaty of cession, and, finally, that which is termed the question of expediency. I beg the indulgence of the committee while I endeavor to examine them in the order stated.

First. We are about to lay the foundation of a new state, beyond the Mississippi, and to admit that state into the union. The proposition, contained in the amendment, is, in substance, to enter into a compact with the new state, at her formation, which shall establish a fundamental principle of her government, not to be changed without the consent of both parties; and this principle is, that every human-being, born or hereafter brought within the state, shall be free.

The only questions under the constitution, seem to me to be, whether the parties are competent to make a compact, and whether they can make such a compact? If they cannot, it must be either for want of power in the parties to contract, or from the nature of the subject.

It cannot, at this time of day, be denied, that the United States have power to contract with a state, nor that a state has power to contract with the United States. It has been the uniform and undisputed practice, both before and since the adoption of the constitution.

[Mr. Sergeant here mentioned numerous instances of cessions of territory, by states, to the union, and one instance of a cession of territory by the United States to a state, in which the stipulations on each

side were stated in the same manner and with like solemnity as in contracts with individuals. He observed, that the states had the capacity to contract with each other, so far as they were not restrained by the constitution; and further, that they had the capacity to contract with individuals, and in so doing, to part with a portion of their legislative power. He also remarked, that if it were competent to the United States to contract with an old state, it seemed to follow of course, that it had a competency to contract with a new one; and, accordingly, no new state, (unless formed out of an old one,) had ever been admitted into the union, but upon terms agreed upon by compact, and irrevocable without the consent of all parties.]

Thus it appears, that a new state may contract; and it is essential that it should be so, for her own sake as well as for the sake of the union. It remains, then, to inquire, whether the stipulation, proposed in the amendment, is, on account of the nature of the subject, such a one as it is beyond the power of a state to enter into? It has already been remarked, that a state, at the moment of its formation, is as entirely sovereign, and as capable of making a binding contract, as at any future period. The real question, therefore, is, whether it is beyond the power of any state in this union, for any consideration whatever, to bind itself by a compact with a state, or with the United States, to prohibit slavery within its borders? To suppose so, seems to impute a want of sovereign power, which could only arise from its being parted with by the constitution, and this, I think, can scarcely be affirmed. But I do not mean to anticipate, as my object, at present, is to follow the practice of the government.

In this view, the ordinance of 1787, respecting the North-West Territory, and the history of the states formed under it, are eminently deserving of consideration and respect. This ordinance was framed upon great deliberation. It was intended to regulate the

government of the territory; to provide for its division into states, and for their admission into the union; and to establish certain great principles, which should become the fundamental law of the states to be formed. In its territorial condition, it was subject to the exclusive jurisdiction of Congress, to be exercised by the ordinary process of legislation. But it was one of the terms of the cession by Virginia to the United States, that this territory, as it became peopled, should be divided into states, and that these states should be admitted into the union, "upon an equal footing, in all respects, with the original states." We shall now see how the fulfilment of this engagement was effected. After providing for the territorial government, the ordinance proceeds as follows: "And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states, at as early periods as may be consistent with the general interest—It is hereby ordained and declared, that the following articles shall be considered as articles of compact, between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent." Then follow the several articles, of which the sixth declares, "that there shall be neither slavery nor involuntary servitude, &c." The fifth article provides expressly, that "the constitution and government (of the states) so to be formed, shall be republican, and in conformity to the principles contained in these articles." When the states of Ohio, Indiana and Illinois, respectively, applied for admission, they were admitted upon the express condition, that their constitutions should be republican, and in conformity to the

ordinance of 1787. They assented to the condition, and were admitted "upon an equal footing with the original states."

I am aware that all this has been pronounced, rashly I think, to be a usurpation. The term does not well apply, at this time of day, after the repeated sanction of every kind which the ordinance has received. In truth, if there be any thing in our legislative history, which is entitled to our affection for the motives in which it originated; to our veneration for the authority by which it is supported; to our respect for the principles embodied in it, it is the ordinance of 1787. But the charge of usurpation is in every sense inapplicable, for the efficacy of the contract arises from the assent of the state to the conditions proposed as the terms of her admission.

But this ordinance is entitled to still higher consideration. It was a solemn compact between the existing states, and it cannot be doubted, that its adoption had a great influence in bringing about the good understanding that finally prevailed in the convention, upon several points which had been attended with the greatest difficulty. It passed on the 13th of July, 1787, while the convention that framed the constitution was in session. From the minutes of that body, lately published, it will be seen, that the two most important and difficult points to adjust, were those of the admission of states, and the slave representation. This ordinance finally adjusted both these matters, as far as concerned all the territories then belonging to the United States, and was therefore eminently calculated to quiet the minds of the advocates of freedom; to remove their objections to the principle of slave representation, and to secure their assent to the instrument which contained that principle, by limiting its operation to the existing states. It is not to be questioned, that this ordinance, unanimously adopted, and, as it were, fixing an unchangeable basis by common consent, had a most powerful influence in bringing about the adoption of the constitution. It

is a part of the groundwork of the constitution itself; one of the preliminary measures upon which it was founded. Hence the unusual solemnity of the terms in which it is conceived, so different from the ordinary forms of legislation, and which give to it the character of a binding and irrevocable covenant.

Such, then, is the power that has always been exercised by Congress, upon the admission of new states into the union, and exercised without dispute. Whence was it derived? It was exercised, as we have seen, immediately before the adoption of the constitution, while that instrument was under consideration, and recognized immediately after, by the act of the first Congress, supplementary to the ordinance. Nothing can be more clear, than that if the ordinance of 1787 was inconsistent with the constitution, it was repealed by that instrument. If the convention had meant to repeal it, they would have done so. It was directly in their view, and embraced a subject which was earnestly and carefully treated by that body. And yet, immediately after, when the same men, who had framed the constitution, and knew its intention, were many of them members of Congress, the supplement to the ordinance was adopted. That was not a time; you may be assured, for stretching the federal power. The greatest jealousy prevailed, and the friends of the constitution were obliged to observe the utmost caution, while it was slowly winning its way to the public favor, refuting the suggestions of its enemies, and settling down, gradually but firmly, upon the solid foundation of ascertained public benefit.

In what part of the constitution is this power conferred? It is conferred by that provision which authorizes Congress to admit new states into the union; and to me it seems perfectly plain, that we need look no further for it. There are other parts of the constitution which have a bearing upon the question, because they apply to the subject upon which it is proposed to exercise the power, and may very well be used for the purpose of illustration or of argument. This

use of them affords no just occasion for the remark, which has been so triumphantly made, that the friends of the restriction differ among themselves, as to the part of the constitution from which the power to impose it is derived. They do not differ. But, as upon every other question of constitutional power, they naturally resort for information to all the provisions of the constitution, which have relation to the matter in discussion.

The power to admit new states is given to Congress in general terms, without restriction or qualification, and upon every just principle of construction, must be understood to confer whatever authority is necessary for carrying the power into effect, and every authority which in practice had become incident to the principal power, or was deemed to make a part of it.

Of late it has been the fashion to insist upon a liberal construction of the constitution, and its most extensive efficacy has been found in the implied powers it is supposed to confer. All powers are implied that are necessary for the execution of the enumerated powers, and the necessity need not be absolute; a modified necessity, or high degree of expediency, is sufficient. Whence the authority to incorporate a bank? Whence the authority to apply the public treasure to the improvement of the country by roads and canals? Whence the authority to encourage domestic industry by bounties and prohibitions? Whence the authority to purchase and to govern the territory now in question? Is it to be found in the letter of the constitution? They all rest upon this single position, that an original power having been granted, every other power is implied which is necessary or useful for carrying that power into execution—and this is an inherent, essential principle of the constitution, altogether independent of its express words.

But the power, in question, rests upon stronger ground than this. The constitution of the United States, though in form the work of the people, (who made it their own by adoption,) was a compact between states.



It was made by delegates chosen by the states. The votes in the convention were given by states. It was submitted to the states for their ratification: and its existence depended upon the sanction of a certain number of the states. These states were sovereign, but confederated by a slight and insufficient union, incapable from its weakness of providing for the common welfare. Their sovereignty extended to every thing within their limits, and to every thing else, but the few powers, (if they deserve to be so denominated,) which were conceded to the Congress of the union. Nevertheless it was a confederation, which comprehended all who were parties to it, and excluded all others. Was there a power in this confederacy to admit new members? It cannot be doubted. To whom was that power confided? The express provision in the articles of confederation, which has been quoted and relied upon in opposition to the power contended for, has no relation to the subject of new states, to be formed and admitted from the territory of the United States. It was an invitation to Canada and the other British colonies in America to join us in resistance to the common enemy; and if they had accepted the invitation, they would have come into the confederation upon the terms only of making common cause with us. But there was a power, independently of this provision, to admit new members. That is clear from its exercise—and that power was exercised by the states in Congress. When Virginia, in 1786, ceded to the United States her claim to the northwest territory, it was upon condition that the territory should be formed into states, and that these states should be admitted upon an equal footing with the original states. Congress accepted the cession upon that condition, and proceeded to fulfil it by the ordinance of 1787.

The extent of the power, the mode of its exercise, and the incidents belonging to it, were also determined by the practice of our government. Among these incidents, was that of making terms, conditions or compacts, with the states admitted: and so insepara-

bly incident was this deemed to be, that when Virginia stipulated for the admission of the states upon an equal footing with the original states, that stipulation was understood to be fully complied with, by admitting them upon terms. It is not at all material to the present purpose, to inquire, whether the ordinance of 1787 was or was not a usurpation. If there was any authority usurped, it was that of admitting the states—the principal power itself, not the incidents. It is sufficient that, in point of fact, the power of admitting new states was exercised, and was understood from its exercise to include in it the power of proposing terms, conditions or stipulations, and, among them, the very condition now in question.

When the power of admitting new states into the union, was vested by the constitution, without limitation, in the Congress of the United States, was it not intended to carry with it whatever in practice had been established to be an incident of the power, or a part of the power? Where was the residue lodged? Not with the states; for the states, as such, have no longer a voice in the union, except for the purpose of amending the constitution. Not with the people; for the people have no voice, but through their representatives in Congress. The matter resolves itself at last into this single question: did the people of the United States, when they framed their constitution, mean to give up and for ever relinquish the power of proposing terms, or did they deposit it with their own immediate agents, chosen by themselves? They had always found terms of some sort beneficial and necessary, and they have been necessary and expedient in every instance since the constitution was formed, so that, with the exception of Vermont, not a single state has ever been admitted into the union but upon conditions agreed to by compact. Who are the Congress of the United States; by whom are they chosen; who do they represent? The people of the existing states. Who is it claims to be admitted into the confederacy, and to participate in the benefits of the union? An

alien, as yet, one who has no right of admission, whom the people of these United States, as a political association, may at their pleasure reject. Can it be supposed, that, by framing a constitution of government for themselves, the people of the United States meant to destroy forever their own inherent right of prescribing terms and conditions of admission? And yet this is the obvious result of the argument, for as it denies the power to Congress, and it cannot be exercised by the states or the people, it is forever gone. In what part of the constitution do you find any countenance for such a conclusion? There are limits, it is true, to the powers of Congress, but those limits are the boundaries which separate the rights of the union from those of the states and the people. Is there any power denied to Congress which is not reserved to the states or the people? Was any power intended to be denied to them, in its nature fit and proper to be exercised, but which could not be exercised by the states or the people?

Besides, if this power was, in its exercise, to be merely ministerial, why was it confided to Congress, the highest legislative authority of the nation, entrusted with the care of all its most important concerns? It is derogatory to the character of Congress, and altogether inconsistent with the general tenor of its high duties, to suppose, that it shall be required to perform an office so humiliating.

[After examining the subject, in this point of view, at considerable length, Mr. Sergeant proceeded as follows:]

From the view which I have now endeavored to take, it will follow, that whoever objects to any condition proposed, as beyond the power of Congress, must fail unless he show, that the particular condition is incompatible with the constitution of the United States: that it is such a condition as the state has not a power to assent to. I am very sensible that the question, which arises here, is interesting and important, and that it is delicate, though otherwise I think not diffi-

cut. No one who has a feeling of regard for his country, can be indifferent to the sensation it occasions in this House, nor perceive, without some emotion, the line of division it marks. Yet it is a question that is before us; it is a question we must meet, and while we owe it to our country to meet it fully and fairly, we owe it to each other to meet it with mutual respect and forbearance. I will concede even more: we are not to entertain, much less to express a thought hostile to the rights of the inhabitants of those states where slavery exists; and in any thing I may say, I hope it will always be understood, that I consider those rights entitled to the protection of all the power of the country, without reference to any other consideration than that they are acknowledged by the constitution. Among the many evils of slavery, it is one, that where it exists, it can scarcely be freely discussed, and yet there may be occasions when its free discussion is of the greatest importance. The same kind of difficulty existed at the formation of the constitution. It was not removed by crimination; or suspicion, or threats; it was adjusted upon the basis of an existing state of things.

Is this condition then incompatible with the constitution of the United States—so incompatible that a state cannot assent to it? For if a state might voluntarily surrender it, Congress may require its surrender as the term of admission. With what part of the constitution is it incompatible? It interferes with no express provision of that instrument. It must then be implied. What an implication! Instead, however, of pointing out the parts of the constitution from which this implication can be made, state rights are immediately sounded in our ears—state rights are invaded and violated. Sir, state rights is a phrase of potent efficacy, and, properly understood, of sacred regard. But what are state rights? They are ample—they are inviolable; they are the sure foundation and the lasting security of our liberties, and I hope I may add, they are in no danger from the present proposition.

But I must be permitted to say, there are rights of the states who were parties to the constitution, and rights of states afterwards to be admitted into the confederacy. Will it be contended that they are in all respects identically the same, or that a new state is not upon an equal footing with the original states, unless it possesses precisely the same powers? A moment's attention will show that it cannot. Before the confederation, the thirteen states, who composed it, were, in all respects sovereign and independent states, possessing all the attributes of sovereignty. The confederation was of sovereign and independent states, united only for certain purposes of common concern, in the management of which they acted as states. When, in the course of events, these states came to form a more intimate union, they presented to the convention points in which they agreed, and points in which they differed. They were respectively sovereigns of all the soil within their limits, and proprietors of all the vacant land. They were sovereigns for all the purposes of foreign as well as domestic legislation; and no new confederate could be admitted but by common consent, and upon such terms as the existing states might think fit to prescribe. There were, too, accidental diversities among them, of which I need only mention one, the existence of negro slavery in some of the states, permitted by their laws and incorporated into their institutions.

With respect to the existing states, it may truly be affirmed, that they were left in the possession of every power and right, which was not conceded by them to the union. They derived no right or power from the constitution, they only retained what they before possessed, without inquiry into the nature of its origin. The extent of this reserved possession is more easily understood than defined. It is sufficient for the present purpose to say, that it comprehended all the power of slavery, as an existing state or condition, which they did not choose to renounce or relinquish, and perhaps had it not in their power to extirpate, if they had so de-

sired. The constitution was thus the creature of the states; the work of their own hands. But what is a new state? It is the creature of the constitution, deriving from the constitution its existence and all its rights, and possessing no power but what is imparted to it by the constitution. If it have a power to establish slavery, it derives that power from the constitution, and the constitution becomes stained with the sin of having originated a state of slavery. What a reflection would this be upon that instrument! How is it calculated to diminish the sacred regard that has been felt for it here and abroad! Up to the present moment, no such charge can be made against the constitution. With respect to the existing states, it only tolerated what it could not remove; and in the case of Louisiana, it submitted to circumstances equally uncontrollable. But, (and I say it with pride and with pleasure,) it never yet has conferred a power to establish the condition of slavery, and I warn those, who are entrusted with its administration, to beware how they claim for it the exertion of a capacity so odious.

But we are told that every thing is implied in the use of the word "state"—that the constitution when it speaks of the admission of new "states" into the union, necessarily means that they should possess certain faculties and powers, of which it is also contended, that the precise definition is to be found in the faculties and powers possessed by the original states. I admit, unhesitatingly, that there are rights so inherent and essential, and, if you please, inalienable, that a state cannot surrender them, nor exist as a member of this union without them. But, is it essential, by the principles of our constitution, to the character of a member of this union, (a newly admitted member, especially,) that it should possess all the powers, or even all the rights, that belonged to the original states? It must then be the sovereign of all the territory within its limits, which has never been the case in a single instance of a state newly formed out of the territory of the United States. It cannot be the case; for, by the practice of the

government, the admission is made to depend upon the number of the inhabitants, and not upon the appropriation of the land. The unappropriated lands belong to the United States. Even its limits are settled by Congress. It must, too, have an unlimited right of taxation; and it must have an independent and absolute power, extending to every thing within its limits; for all these powers belonged to the original states. Then, sir, not a single new state, (excepting Vermont,) has been properly admitted into the union, and the practice of the government, from its first foundation, has been one tissue of error and usurpation.

In every instance, some restriction or curtailment of legislative authority, more or less extensive, has been imposed and assented to, with universal approbation. In the case of Kentucky, as we have seen, Virginia stipulated, among other things, that for a limited time the lands of non-residents should not be taxed higher than those of residents, and that the lands of non-residents residing in Virginia, should never be taxed higher than those of residents. This is a palpable restraint upon the exercise of a legislative authority, which every one of the existing states possesses without restriction, and yet it never has been supposed to place Kentucky in a condition of inferiority to her sister states. I will not tire the patience of the committee, by going through the other instances, which have been already very fully brought into view. Enough has been said to show, that it has never been thought requisite, that a new state should possess the same identical powers which confessedly belonged to the original states, and that such identity is not necessary to a perfect political equality.

To come nearer to the question, I beg leave to ask, is it essential, by the principles of our constitution, to the character of a state, that it should have the power of originating, establishing, or perpetuating the condition of slavery within its limits?

I request gentlemen to pause before they answer this question, and to look it fairly in the face, for it must be

met. Is it essential to the character of a free republican state, that it should have the power of originating, establishing, or perpetuating a system of slavery—so essential, that it is not a free republican state without the power, nor qualified to be a member of this confederacy?

Can it be possible, that a constitution, framed to secure, to preserve, and to extend the blessings of liberty, itself rests upon a principle so impolitic and so indefensible as this? I should very much fear, that we could neither expect the favor of heaven, nor the approbation of men, for a constitution so constructed—whose professions were so entirely at variance with its principles. Can it be pretended, will any one be hardy enough to assert, that this power belongs to the rights of self-government, or of a just sovereignty, or that it is to be arranged in the same class with the authority exercised by every well constituted society, in regulating the domestic relations? Where slavery exists, it may be, (as was said by a gentleman from Virginia,) that slaves are regarded as in a state of perpetual minority. It might, with equal propriety, be said, at once, that they are regarded as in a state of perpetual subjection—it amounts to the same thing; for surely no man will seriously affirm, that this decree of perpetual minority has its source in the same feelings and views, which, in all civilized nations, have led to the enactment of laws for the protection of infancy against its own folly and imprudence. The one originates in parental affection, anxiously providing for the welfare of its offspring, during the period when by nature the judgment is weak and the passions strong; and every incapacity which the laws have established, is meant as a shield for infancy against danger to itself. The other—has it any view to the comfort or wellbeing of this perpetual minor? I will not pursue the inquiry, lest I should wound the feelings of some who hear me, and whom I would not willingly offend. Where slavery exists, you may call it what you please; you have a perfect right to do so,



and to regulate it by such laws as you deem best ; but in a discussion like the present, it seems to me an utter perversion of language to style it a minority, as it would be an utter perversion of sentiment to suppose, that it has any resemblance to the endearing relation out of which the laws for the government of infancy have grown.

How is this power essential to the character of a free republican state? Suppose this evil were now happily extirpated, is there any moral or political competency under the constitution to restore it among us? Has any one ever seriously contended for such a power? No : it certainly could not be re-established, without the consent of Congress, and yet, I think it will scarcely be asserted, that the states would not still possess all the essential powers of self-government, and a just sovereignty ; that they would not be as free, as independent, as happy, and at least as powerful as they are now.

Upon what footing, then, do the original states stand in this respect? Did the constitution either give or reserve to them the right of originating or establishing a state of slavery? Have they now, or have they ever had such a right? Is there a right, in any of them, to reduce a free man to a state of slavery, except as a punishment for crimes of which he has been legally convicted, and not extending to his offspring? The great principles of the constitution are all at variance with such a doctrine. It is plain enough how the convention considered the matter, and how it was considered by the states, individually and collectively. They regarded it then, as they regard it now, as an unfortunately existing evil, of which it was impossible to rid themselves, and which, therefore, they must manage in the manner most conducive to their safety : an accidental and deplorable state of things, not to be terminated by any means which human wisdom was then able to devise. It was upon this footing, that what is called the compromise took place—it was a compromise with an afflicting necessity, and mark well the manner of it! It was a silent compact between

the existing states, upon a subject which they all felt was beyond their power to deal with. That silence, that most emphatic and impressive silence of the constitution, is the sure indication of the feelings which prevailed in the convention. What could they say? They would not utter the word slave or slavery, and whenever they found occasion to make any provision on the subject, they had recourse to other language, as if the very terms were hateful and offensive, and unfit to be employed in that instrument. What could they do? They could only indulge a hope, that a time would come when this evil might be eradicated, and, in the mean time, they bore their testimony against it by that expressive silence, of which no one could mistake or misunderstand the meaning.

That compact, not of words, but of silence, had the precise effect, while it avoided a recognition of the legitimate origin of the evil, of leaving every one of the then existing states in possession of the power which it actually exercised, except so far as it was parted with to the union. The ambiguity in the constitution, if any there be, arises altogether from this well meant mode of treating the subject. What the framers of that instrument intended should signify their detestation of slavery, has furnished an argument in favor of its extension. For, as silence left the existing states in possession of the power, so silence is interpreted, in the admission of new states, to confer the power; and this rule of construction throws upon Congress the necessity of an active exertion of authority for its restraint, for which gentlemen insist we must show a positive grant. But, with respect to the existing states, it was a power paramount to the constitution itself, and which no state surrendered; a power, however, and a necessity, too, confined to her own limits.

Can this be affirmed with truth of any state newly admitted into the union? Can it be said to stand upon the same footing as the original states, either as to paramount power, and existing condition, or the

case of necessity? Up to the moment of admission, it is subject entirely and exclusively to the government of Congress, as a part of the territory of the union. It presents itself to Congress, as a territory, asking to become a state, but bringing with it no state rights—no state powers—nothing to be reserved, but every thing to be received. It presents itself free from the condition of slavery, or subject to it in so slight a degree as to be easily manageable, and affording no just ground for its continuance. Unless, therefore, it can be shown, that it is so essential to the completion of a free republican state of this union, to have the power of originating or perpetuating slavery, that it cannot be free and republican without it, the argument must fail altogether. Besides, sir, how can the rights of the new state be affected. It has the choice of coming in upon the terms, or not coming in at all.

I am aware, it may be said, that the compact, between the existing states, ought to be considered as a mutual stipulation, with each other, that new states should, in this respect, be left free to choose for themselves. It is nowhere said so, and to me it seems worse than idle to suppose, that there is a dormant abstract principle in the constitution, in favor of slavery, to spring up only as a barrier against what is, and always has been conceded to be, right and just. Show me the value of it, in practice, and I am then prepared to listen to the deduction; but, as long as the argument terminates only in evil, or, which is the same thing, in preventing a good, so long exactly it is impossible for it to find its way to the hearts or the understanding of men. When, not long ago, it was affirmed in this House, that the constitution gave to Congress a power to make certain public improvements—to open the channels for wealth and trade to flow from one quarter of the country to another—to approximate them to each other, to connect them by the ties of interest and mutual dependence and mutual regard, I listened with attention and pleasure, for I ex-

pected to find a power so beneficent. So, sir, if I am told that there is a power in the constitution to arrest the march of slavery, to extend the sphere of freedom, personal as well as political, that too, I expect to find. But, when I am told, that there is a silent, dormant principle in the constitution, a sullen power that forbids us to check the extension of slavery, I confess to you, that I involuntarily shrink from the process of reasoning, by which it is deduced, and revolt involuntarily from the conclusion. If it be apparent, I must and I will submit to it; but if it be not clear, I am not disposed to search for it, either among the high attributes of sovereign power, or the more frequent refuge of state rights.

But I admit that this assertion is true, as to every rightful and essential power, which belongs inseparably to republican self-government, or is necessary to place a state upon an equal political footing with her sister states, and render her worthy to be a member of the confederacy. As to the rights of self-government, I have nothing more to say. It only remains to inquire, whether the proposed restriction disturbs or interferes with any of the great political rights of the state, or is calculated to lessen her weight and influence in the scale of the union? The great and important right of every state, is that which regards her representation in the national councils. Is that impaired by the restriction? The compromise of the constitution, in the article of representation, was founded upon a simple, and now well established principle, applied to preserve the balance of the existing states. It was not, that property was to be represented—for then, every kind of property ought to have been estimated in fixing the ratio—but that this particular kind of property occupied the place and consumed the food of a free population, and to that extent lessened the comparative numbers of the state, not for a time only, but forever. If the free population had furnished the ratio, how many representatives would Virginia now have? To preserve the balance of the states, then and thereafter, the

rule of three fifths was adopted, and with this rule, the constitution considers that there is a fair political equality between the free states and the slave states. Can it be said, that the political rights of the state are, in this leading and all important point, impaired by the restriction? In point of fact, her influence and power are increased, for the free population will increase more rapidly than the slave population, and she is entitled to a representation for the whole number, instead of being limited, as to a part, to three fifths. Whoever will take the trouble to examine the comparative increase of the two descriptions of states, will be satisfied of this, and I have no desire to obtain for the free states the advantage, hinted at by a member who has opposed the amendment, of infusing into the states to be formed, a debilitating disease, which will stint their growth and lessen their political weight in the union. The political right of a state, secured by the constitution, is, if there are slaves, to apply to them the rule of three fifths, and that right, I admit, cannot be infringed. But it is not necessary to the enjoyment of the full benefit of the principle of representation, nor fairly to be deduced from it as a part of the compromise, that a new state should be permitted to have slaves.

I may be allowed again to ask, what are the political rights of a state in regard to the union? They are the political rights of the free inhabitants, the only condition known to the constitution. Slaves have no political rights. They are acquired by force, and they are held by force; and if it be lawful to hold them at all, it is also lawful to use any degree of force that is necessary to hold them in quiet subjection. Every law of a slave-holding state, which provides particularly for this condition of men, by peculiar exertions of authority, by an unusual discipline, or by unusual terrors and punishments, having no view to their own benefit, but only to the safety of their masters, is an exertion of force, necessary (where the condition exists,) for the security of society, not to be mentioned reproachfully, much less to be interfered with,

but still a mere exertion of force demonstrating that slaves have no political rights. They add nothing to the mass of rights. I would not be understood to question the power of the states where this condition exists. Whether it is a power reserved or a power acquired, it is, as to them, recognized by the constitution, and entitled to the support and protection of the whole strength of the union. We may have our wishes and our feelings on the subject—it is for them alone to decide, how long this state of things shall continue. If ever the time should come, when they shall be able and willing to rid themselves of the evil, it will be hailed with unaffected delight. Till then, while this constitution endures, we have no right to ascend beyond its provisions, and we are bound to carry them fully into effect. The state, which I have the honor to represent, has been as ardent and sincere in the cause of emancipation as any state in this union. But she has never lost sight of her obligations to her sister states. Her laws and her judicial decisions will be found to be in strict conformity with the constitution, and so they will continue to be.

If the members of the convention meant to frame a compact between the states, to the effect which has been mentioned, that is to say, that every new state should, in this respect, be left entirely free, we might reasonably expect to find it somewhere in the constitution. It could not have been forgotten or overlooked: it was a subject in itself of too much interest and importance: and, besides, the ordinance of 1787, was adopted, while the convention was sitting that framed the constitution, and that ordinance provided for the admission of states, with a perpetual inhibition of slavery. Under the confederation, it had been assumed as a power belonging to Congress, and exercised as a power fit to be exercised by Congress. It is incredible, that the constitution should have designed to disaffirm all this, and yet have said nothing about it, but conferred without limitation the very power to which it had become an established incident.

Can any good reason be assigned why the existing states should have entered into such a compact? It was not necessary to the compromise, which regarded only the actual condition of the states, and which meant to preserve to each of them, nothing more than the power within its limits. The constitution was not formed for a day or a year, but for a succession of time, I hope for ages; and it might easily have been foreseen, that cases would probably occur, in which the exercise of such a power by the government would be of the utmost importance. Suppose the case of a distant or a frontier state applying for admission. If you permit her to have this kind of population, you are bound by the constitution to protect her with all the means of the union, against the insurrection of the enemy within her bosom, and against the inroads of any foreign nation. You are bound, even to secure to her the enjoyment of this very property, and if a neighboring power should by force or seduction, carry off her slaves, it would become a cause of national quarrel and of war. Our own recent history gives us an example of something of this sort. What was the Seminole war? The runaway slaves of Georgia combining with outlaws and Indians in Florida, carried on hostilities upon the borders of Georgia, and that state, (as she had a right to do,) called upon the United States for protection. It was granted, and hence the Seminole war. If a new state, circumstanced as I have supposed, should apply for admission into the union, would it not be reasonable, nay, would it not be essentially just and necessary, to require her first to stipulate, that she would not introduce that source of weakness and that cause of quarrel, which might be so expensive and burdensome to the union? It ought not to be a concern of the state alone, because it may become a charge to the nation.

I think I may safely affirm that this is the practical, established construction of the constitution, used and approved from its adoption to the present day. But permit me for a moment to examine the spirit of that

instrument. If, as is clearly shown, the toleration of slavery by the constitution, and the corresponding provisions, were owing to an incidental, existing and uncontrollable necessity, then it is plainly the spirit of the compact, that the power should never be permitted to a new state, but where the same imperious circumstances exist to demand it, as in the case of the original states. Such was the fact in the instance of Louisiana. What, then, is it, that Congress are to do upon such an occasion? To impose conditions, arbitrarily? No. To judge of the circumstances, regarding in due proportion the interests of the state and the union. If that deplorable necessity exist, they permit, in silence, what (like the framers of the constitution,) they will not in terms avow. If not, they adjudicate by the restriction, which it is then their moral and constitutional duty to impose.

This is the true, it is the necessary, and only just construction of the constitution: the only one that is consistent either with the professions we have always been in the habit of making, or with the hope that was certainly once very much cherished, that a mode might some day be devised of abolishing this great evil. We may assert as we will, that we are not in favor of slavery; as long as it shall be seriously insisted, that by the constitution of our country, every new state has the inherent and inalienable right of establishing domestic servitude, so long our professions will be disbelieved, and we ourselves, as well as that venerated instrument, be charged with hypocrisy. Suppose, sir, that the existing states were in a course of abolition, would it be permitted to a new state, governed by some selfish or ill-judged views of interest, to revive the condition of slavery, and thus to control and defeat the policy of all the others? Ought it to be in the power of any new state, to enlarge the region of slavery, and thus to increase the difficulties, already sufficiently great, presented by this very difficult and embarrassing subject? Can it be, that we sincerely believe it to be an evil, and yet will gravely insist that it is a right of every new



state to do—what? I was going to say, enjoy this evil, but that would be a perversion of terms—afflict and injure herself, and her associates too, by admitting it within her limits? If it be a good, the argument is intelligible: if it be even doubtful, there is still some scope for choice; but if it be an acknowledged evil, it seems to me extravagant, if not absurd, to contend that there is a right to have it, and that a prohibition restrains or impairs the just liberty of a new state.

This construction too is plainly indicated by at least one provision of the constitution, I mean the ninth section of the first article. "The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808." Why is this restraint upon the power of Congress, confined to the states "now existing?" It was to give to Congress the power, immediately, to prevent the introduction of slavery into the states to be formed. I do not doubt that it had a particular reference to the ordinance of 1787, and was meant to guard against the inference, that Congress had not the authority to complete the work the ordinance had begun. For, if the restraint had been general, comprehending the states to be formed, as well as those existing, Congress could not, within the twenty years, have prohibited the "migration or importation" of slaves, into the states to be admitted into the northwest territory; and then, one of two consequences must have followed; either Congress would have refused to admit the states within the twenty years, which would not have been consistent with the engagements entered into, or they must have admitted them with the power of receiving slaves, which would have been contrary to the provisions of the ordinance. It is therefore, I say, that this section of the constitution had a plain reference to the ordinance; and while it evinces, in the clearest manner, a constitutional distinction between the existing states and states to be admitted, upon the very subject now in question, and plainly intimates a design to give control to Con-

gress over the introduction of slavery into states to be formed; it also seems to me to afford a constitutional sanction to the ordinance itself.

The view which I have thus, I fear at too great expense of time and patience to the committee, endeavored to present, is to my mind so conclusive, that I should hope it would be unnecessary to detain them longer. But, there has been all along an assumption, by those who are opposed to the amendment, which I think extremely questionable, if it be not wholly unfounded. It is assumed, that the condition, proposed by the amendment, will produce an inequality between the state to be admitted, and the existing states. It is not material, (the inequality being of no consequence,) but I mistake if I may not safely deny that it will occasion an inequality at all. Sir, has any state in this union a constitutional capacity to originate or establish a state of slavery? To be more precise—if a state, (Pennsylvania, for example,) has once abolished slavery, has it a power, without the consent, and against the will of Congress, to restore that condition? This is an interesting, but I think it is not a difficult question, and certainly it is not a dangerous one to discuss. No state, that has once abolished slavery, will I believe ever desire to restore it. And here, sir, I invoke to my aid the great principles of the constitution, and the great truths of the declaration of independence. I invoke, too, the principle of the compromise, founded as it was upon an existing state of things, and recognizing no rights but what necessity conferred.

The reduction of a fellow-creature to slavery, to a state where nothing is his own but his sorrows and his sufferings, is, if you please, an act of sovereign power; that is, of sovereign force, which obeys no law but its own will, and knows no limits but the measure of its strength. If these states were sovereign, they too like other sovereigns might exert a lawless power. It would nevertheless be morally wrong. But, they are sovereignties, qualified by the grants of power to the union, and by the great political principles upon

which all our institutions repose. The sanction of these principles is now added to the force of moral obligation; and the beautiful feature of our government, that which entitles it to the respect of strangers, and to our affection, that which distinguishes it from all the governments that have ever existed, is to be found in this single truth. Such is its structure, that it can do no lawless violence, and whenever we speak of sovereignty, we mean a rightful, moral sovereignty, and not a power to do whatever it has strength to accomplish.

Whence, then, can a state derive such a right, I mean a right to originate or re-establish slavery? It cannot, by force, reduce freemen to the condition of slaves. This no one would undertake to maintain. It cannot draw them from abroad, for Congress have the unquestionable power to prohibit importation. Can it receive them from other states of this union? The supposition imputes to the constitution the greatest weakness, and is wholly inconsistent with the hope entertained by the great men who framed it, that this evil might some day be abolished. I think this channel is stopped as it ought to be, by the power of Congress to prevent importation and migration. Importation, we all understand to include slaves brought in from abroad, from any foreign territory, whether by land or by water; and we all agree, that it is sufficient to comprehend in its interdict, every bringing in of slaves from abroad. The term "migration" is applied to the same description of "persons" and upon the plainest principles of construction must be understood to apply to something different from "importation." What can it apply to, but the passage or transfer of slaves from one state or territory to another? An argument, urged by the member who last addressed the committee, (Mr. Clay,) I mean the argument, derived from that part of the constitution which denies to Congress the power of imposing a duty upon exports from any of the states, strongly supports this interpretation. The two clauses, taken together, (and they are in the

same section,) amount to this: you shall not prohibit the "importation" until after the year 1808, but in the mean time, you may impose a tax or duty upon "such importation" not exceeding ten dollars for each person: you shall not, during the same period, prohibit "migration," but can you impose a duty or tax? No. The authority to impose a duty or tax is dropped, and why? Because migration, meaning, (as we insist,) a transfer from state to state, includes in every instance, the exportation from a state, and therefore by the fifth clause of the same section, no "duty or tax" can be laid upon it.

Various interpretations of this clause of the constitution have been attempted by those who are opposed to the amendment, but none of them, I think, consistent with the fair import of the terms, or the manifest spirit of the constitution. One gentleman, indeed, (Mr. Smith, of Maryland,) has said, some days ago, that it was intended to give to Congress the power to prevent the passage from one state into another of slaves imported into the former from abroad. His long experience and knowledge entitle the suggestion to great consideration, and it appears to me to concede the precise construction contended for. He admits that the clause applies to slaves, and the term "migration" to slaves transferred from one state to another. Now, as there is no description of the kind of slaves, which limits it to slaves imported, it must apply to all slaves. I will not insist upon the advantage of this concession; the case is fully made out without it.

But we are told by the gentleman from Delaware, that the technical meaning of the word migration, is a change of residence from one country to another. I must be permitted to say, that I am not aware that the word in question has ever received a technical meaning. We call those words technical which have been appropriated to the service of an art or science, and in relation to that art or science have received a definite and somewhat artificial sense, well understood.

by those who are acquainted with the subject. Thus, when we speak of an "estate tail" or "a contingent remainder," the language is perfectly intelligible to a lawyer. The term, migration, has never, to my knowledge, been so appropriated, unless it may be considered as having been adopted by naturalists as descriptive of the habits of certain animals, and then it means simply a change of climate for the sake of temperature, or a change of place for the sake of food; but not a change of country. In its vulgar sense, that is, its common sense, as given to us in dictionaries, as used in conversation, or by approved writers, it means only a change of place. In two pages of Dr. Seybert's Statistical Annals, (37, 38,) the word is three times used to denote the change or transfer of residence from one state to another; and, it may be remarked in passing, is accompanied with a reflection which well deserves the attention of those who insist so strenuously upon the free admission of Missouri, in order that the owners of slaves may be enabled to go into that state. "It is important to consider how far the diffusion of our population may weaken us as a nation, and what will be the effect of the migrations on the agriculture of the Atlantic states? Many valuable farms, originally productive, have been abandoned, after they were exhausted and made barren from constant cultivation, and no application of the means to restore their lost fertility. If migration be continued under these circumstances, some districts will hereafter exhibit all the features and poverty of a desert, and extensive tracts of valuable land will be a waste, to the injury of our agriculture, manufactures and commerce. In many of these situations, industry would be abundantly rewarded for all the labor and expense of renovating the unmanaged and impoverished soil." I am reminded, by some one near me, of another difficulty supposed to be in the way of our construction, and that is, that migration means a voluntary change of place, and that the removal of a slave is without his own consent. Even if this were correct, it would amount to nothing.

The will of a slave is always the will of his master, and his acts, wherever they are in obedience to his master's orders, are by the constitution and laws deemed to be voluntary. What other term could have been employed? We are to remember, that though the slave is regarded as property, yet is he also regarded as a "person," a human being, having a will, but that will ever in coincidence with the wishes of his master; and it is from this anomalous composition of character, that the constitution itself had great difficulty in finding terms applicable to his condition or conduct.

We have been told, too, (for the attempts have been numerous to avoid the force of this clause,) that it applies to freemen coming from abroad. It would be very extraordinary, indeed, if the same word, in the same sentence, were to be interpreted to include two descriptions so opposite as freemen and slaves. But all this is minute, verbal criticism, and I fear I shall fatigue the committee by dwelling upon it. There is a much broader, and still more satisfactory answer to the objection. The clause in question has always been understood to apply to slaves, and to slaves only, from the adoption of the constitution to the present time. It is, (and that is entirely conclusive,) a restraint upon the power of Congress, insisted upon by the slave-holding states, to secure for a limited time the right of supplying themselves with slaves. This is familiarly known to every person, who has any acquaintance with the history of the constitution, and it is known, also, that two of the states, (South Carolina and Georgia,) would not have come into the union without it. How any one, knowing these things, can gravely assert, that the clause has any provision relating to freemen, it is entirely impossible for me to conceive. It imputes either mistake, or foolish design to the framers of that instrument; for no good reason can possibly be assigned, for withholding from Congress, during the twenty years, any power it possessed, over the admission of freemen, though we know well the reason, (good or bad,) for restraining the power as it respected slaves.

I need not notice the observation of the member from Delaware, that this, being a federal power, must be understood as applying, in its exercise, to the union, and not the states. Every power, to be exercised by Congress, is a federal power, but it does not follow that it is not to operate upon the states. This, in particular, by its very terms, is to apply to the states individually. But I hasten to another objection, which has been very seriously urged, and, if well founded, renders all this examination superfluous. We are informed, that the clause in question is not a grant of power, it is only a restriction or restraint upon power. To speak with perfect precision, it is an exception or restraint for a limited time, upon the exercise of a power. Such an exception, it is most clear, is conclusive evidence of a grant; for if there were no power granted, there could be no exception from or restraint upon its exercise. It is of itself equivalent to a grant of the power, after the expiration of the time. A rule of this House directs, that strangers shall not be admitted during the time it is in session. Would any one doubt that this gives permission to strangers to enter at other times?

If this interpretation, however, (contrary as it is to the plain design of the constitution,) were correct, still there would be no difficulty. It follows immediately after the enumeration of the powers granted to Congress, and among them we shall certainly find that which was intended, for a time, to be restrained, unless we suppose the framers of the constitution to have misunderstood, most grossly, their own work. If there be some ambiguity in the language, it arises from the remarkable reserve of the convention, upon a subject which they did not choose to call by its proper name, and that ambiguity ought to be favorably expounded. Congress, then, have a power "to provide for the common defence and general welfare," and for that purpose they have a specific power to "regulate commerce with foreign nations, among the states, and with the Indian tribes." Slaves are every-

where articles of trade, the subject of traffic and commerce, bought and sold, from place to place, and from hand to hand, by public sale or by private sale, as suits the convenience or interest of the owner, and are in all respects treated as property. The general power to regulate commerce includes in it, of course, a power to regulate this kind of commerce. With respect to slaves imported from abroad, this has not been disputed and cannot be disputed—while it continued, it was a branch of the trade with foreign nations. The power to regulate commerce “among the states” is given in the same clause and in exactly the same terms as the power to “regulate commerce with foreign nations.” If the latter authorized Congress to prohibit the importation of slaves from abroad, (which has never been even questioned,) how can it be doubted that the former gives them authority, when in their opinion the “general welfare” or the “common defence” require it, to prohibit the transportation from state to state? If one comprehends slaves, so does the other, and if this conclusion had never been carried into practical effect, it would only prove that no case had occurred in which Congress thought it expedient to exert the power. But this construction is obviously necessary to the plain design of the constitution, not only to the large and liberal views with respect to the whole subject of slavery, of which I will speak hereafter, but the particular design manifested in the very clause now in question. It is conceded, that Congress might at all times prohibit the importation of slaves from abroad into the territories of the United States, as well as into states formed after the constitution, the restriction, until the year 1808, being confined to the states then existing. Of what avail was this power, however derived, unless they could also prevent importation through other states, or rather the passage of newly imported slaves from the old states, into new states or territories? Sir, this construction, in itself so reasonable, has actually been adopted in practice. By the act of 1804, for dividing



Louisiana into two territories, and making provision for the government of the southern portion, it is enacted, that no slaves shall be imported from abroad, and none shall be brought from any port or place within the limits of the United States, that have been imported since the first day of May, 1798—or shall hereafter be imported. It is no answer to this to say, that the slaves of a man migrating from one state to another, are not carried thither for the purpose of commerce or trade, but are a part of what has been called "his family." The power to regulate commerce, extends to every thing which is the subject of traffic, and is limited only by the nature of the article, not by the intention or views of the owner; or else, every law for the regulation of trade would become ineffectual. Slaves may be carried for the purpose of selling, and even when this is not the original intention, they may nevertheless be sold, and a man, after disposing of all his "family," may return and buy another family, and afterwards sell it. They are articles of traffic, and that is enough—neither is it any answer to say, that the power in question is a power to be exercised by legislation, and not in the form of a condition to be prescribed to a particular state. If it exist at all, of which I hope there is now no doubt, we arrive, after this, I fear, very tedious investigation, at a result decisive of the present controversy. For if the exposition given be correct, it will follow, that no state in the union, having once abolished slavery, can re-establish it without the consent of Congress; and that it is no disparagement of the rights of a new state to lay it under the same prohibition. There is, then, a precise and perfect equality.

But, notwithstanding any supposed ambiguity in the constitution, arising from the cause I have adverted to, there are great leading points in that instrument, which were intended to stand out upon occasions like the present, as guides and marks to direct our steps; and it is a relief to ourselves, as well as a debt of justice to those who framed the constitution, to keep them con-

stantly in view. We can see there, plainly asserted, the political and personal equality of men—a deep and humiliating sense of the evil of slavery—a hope that it might at some time be abolished, and a determination, as soon as possible, to abolish it. From the date of the constitution to the present moment, these have been the governing principles of this nation's conduct, and the present is the first effort to arrest a career urged equally by policy and humanity. If Missouri be permitted to establish slavery, we shall bring upon ourselves the charge of hypocrisy and insincerity, and upon the constitution a deep stain, which must impair its lustre, and weaken its title to the public esteem. It is to no purpose to say, that the question of slavery is a question of state concern. It affects the union in its interests, its resources and character, permanently—perhaps forever. One single state, to gratify the desire of a moment, may do what all the union cannot undo—may produce an everlasting evil, shame and reproach. And why? Because it is a state right. Sir, you may turn this matter as you will; Missouri, when she becomes a state, grows out of the constitution; she is formed under the care of Congress, and admitted by Congress; and if she has a right to establish slavery, it is a right derived directly from the constitution, and conferred upon her through the instrumentality of Congress. We cannot escape from our share of the blame, and, (which is infinitely worse,) we cannot rescue the constitution from the opprobrium which belongs to such a deed. That refined construction, which makes the constitution a silent and acquiescing accessary, looking with undisturbed complacency upon what it professes to hold in detestation, may answer the purpose of argument here, but it can avail nowhere else. The judgment of mankind is not formed upon artificial distinctions like this. As surely as the tree is judged by its fruit, will the constitution be judged by what it produces. I earnestly beseech gentlemen, then, to save the constitution from a stain which has never

yet been fixed upon it, and with this entreaty, under the deepest and most sincere feeling, I leave it in their hands.

[Mr. Sergeant next proceeded to examine the subject of the treaty of cession. He closed his argument on this head, by observing that he was satisfied, and he hoped the committee were satisfied, that the treaty had nothing to do with the question.]

I will now, with the leave of the committee, proceed to the remaining branch of this very interesting subject, or what is called the question of expediency.

It is decreed that slavery shall be a very great evil; and, (as has been already remarked,) one of its incidents is, that where it exists, it can never be fairly or freely discussed. It must be taken up at a certain point, which admits every thing that goes before, and among the rest, (in a qualified sense,) the lawfulness of its origin and existence. I will not disturb this arrangement, but I must be permitted to say, that slavery is a great moral and political evil. If it be not, let it take its course. If it be a good, let it be encouraged. If it be an evil I am opposed to its further extension. This is plain, simple, clear, intelligible ground.

Most of those, who have opposed the amendment, have agreed with us in characterizing slavery as an evil and a curse, in language stronger than we should perhaps be at liberty to use. One of them only, the member from Kentucky, who last addressed the committee, (Mr. Clay,) rather reproves his friends for this unqualified admission. He says it is a very great evil indeed to the slave; but it is not an evil to the master; and he challenges us to deny that our fellow-citizens of the south, are as hospitable, as generous, as patriotic, as publicspirited as their brethren of the north or east. Sir, they are all this and even more. For some of the virtues enumerated, they are eminently and peculiarly distinguished; and I believe they are deficient in none of them. It has long ago been remarked, that the masters of slaves have the keenest relish for their own

liberty, and the proudest sense of their own independence. It is natural that it should be so; the feeling is quickened by the degrading contrast continually before them. But it seems to me, that the concession with respect to slavery, modified as it is in appearance, is quite as broad as the unlimited admission of every one else who has spoken. It is an evil to the slave; it is an evil founded in wrong, and its injustice is not the less, because it is advantageous to some one else. Every injury, from the least to the greatest, might find the same sort of mitigation. It is a very great evil to him who suffers, but it is no evil to him who inflicts it. The same gentleman, however, has himself made the most unqualified concession; for he said he would recommend to the people of Missouri to abolish slavery, and that in his own state he would favor a general emancipation, as soon as it should be practicable, which he surely would not do if it were not an evil.

I beg leave further to say, that I do not consider this as a question of humanity, or a question of policy, or interest, or profit, or ease—it is (disguise or argue it as you will,) a question of the extension of slavery. It is a question, too, not for the present only, but for future ages; and the glorious example of our ancestors admonishes us to make the sacrifice, (if sacrifice it be,) as we would have the blessings or the curses of posterity. Why should we spread an acknowledged evil? Is there any other moral or physical evil that we should think it wise or expedient to treat in this way? Would you extend the ravages of an infectious disease? Would you cultivate the growth and enlarge the noxious influence of a poisonous weed? Would any father so treat his offspring, even in this very instance? If he were surrounded with slaves, whom he believed to be an injury and a curse to him, would he require his son at setting out in life, to relieve him, by taking upon himself a part of the odious burden?

Besides, it is an evil founded in wrong, and originating in our own choice. The extension of it, therefore,

is not to be justified but by the most urgent and instant necessity, so evident, that every man will at once agree to submit to its imperious dictates. I reject all speculative, or probable, or modified, or remote necessity—that which resolves itself at last, when fairly analyzed, into matter of profit, of convenience, or comparative political power. If there be doubt, it is decisive—even though there were considerable weight of probability in favor of the argument, I would decide against it. Has any one seriously considered the scope of this doctrine? It leads directly to the establishment of slavery throughout the world. The same reasoning that will justify the extension of slavery into one region, or country, will equally justify its extension to another. It leads, too, directly, to the re-establishment of the foreign slave trade, for it has a tendency to break down that great moral feeling which has been gradually making its way into the world, and to which alone, supported and encouraged as it has been by the untiring exertions of humane and benevolent men, we are indebted for the abolition of that detestable traffic, so long the disgrace of Christendom. To look upon slavery with indifference; to witness its extension without emotion; to permit one's self even to calculate its advantages—sir, the next step, and a very short one it is, may be readily imagined. There are parts of this country now, at this very moment, where the laws against the importation of slaves, with all their heavy denunciations, are continually violated. It is notorious, that in spite of the utmost vigilance that can be employed, African negroes are clandestinely brought in and sold as slaves. This could not happen if there were a universal sentiment against the trade; the existence of the illicit traffic, to any extent, however small, affords the fullest proof, that in those parts of the union where it continues to be carried on, it meets encouragement from the feelings and the interests of some part of the community. Far be it from me to impute these feelings to any state, or to any

considerable part of a state. But the sordid appetite exists, or such inhuman means would not be employed to gratify it.

We are told, however, that it is not extension, it is only diffusion, that is to be the effect.

I confess that I do not well understand the distinction. The diffusion of slaves, is an extension of the system of slavery, with all its odious features; and if it were true, (as it certainly is not,) that their numbers would not be increased by it, still, it would be at least impolitic. But for what purpose is this diffusion to be encouraged? To disperse and weaken and dilute the morbid and dangerous matter, says one. To better the condition of the slaves, by spreading them over a large surface, says another. A third tells us, that we cannot justly refuse to permit a man to remove with his family. A fourth comes directly to the question of interest, and his reason is, that land in the state of Missouri has been bought by individuals upon the faith of its being a slave state, and if we prohibit slavery there, these lands will fall in value. And in the rear of all these, comes an appeal to the public interest, in the shape of a suggestion, that slavery must be permitted in order to maintain the price of the public lands.

I would ask gentlemen seriously to examine their hearts, and see if they are not deceiving themselves—I am sure they mean not to deceive others. Do they remember the arguments by which the slave trade was so long and so obstinately defended in England? The triumph of humanity there is quite recent, and the contest is a monument of the zeal and ingenuity that may be enlisted in a cause, which we all agree to have been utterly indefensible, and which no man, having a respect for himself, would now have the hardihood to attempt to defend. The arguments, then employed, I am sorry to say, have too much resemblance to those which are urged upon this question of expediency. The debates in parliament, the memorials from Bristol and Liverpool, the representations

of West India merchants, and ship owners, and owners of West India plantations, were filled with statements of the importance of the traffic to the navigation and trade, and revenue, and colonies, and all the other great interests of the kingdom. Yes, sir, and they undertook to strengthen their argument by gravely asserting, that the African slave was really rescued from much greater misery, by putting him on board a slave ship, and carrying him in irons, (if he happened to survive,) to the place destined for his perpetual imprisonment. These things are familiar to every body, and they are now treated as they deserve to be.

But it is only diffusion that is desired! Is this a reasonable desire? Little more than thirty years have elapsed since the constitution was adopted. Two states of this union, (South Carolina and Georgia,) then insisted upon reserving, for twenty years, the privilege of supplying themselves with slaves from abroad, and refused to come into the union unless Congress were prohibited, during that time, from preventing importation. Congress were accordingly prohibited, and scarcely ten years have elapsed since the prohibition ceased. Can they reasonably ask already to be permitted to diffuse what they were then so anxious to possess? Are they so soon overburdened? It cannot be, for the illicit trade is still carried on, and that would end at once if there were not a demand and a market.

I may be told, and told with truth, that the other slave-holding states are not exposed to the same remark. Of Virginia, especially, it gives me pleasure to be able to speak on this subject, with sincere respect. While yet a colony, she remonstrated against the introduction of slaves. One of the earliest acts of her government, after her independence, put an end to the trade. And it has always been understood to her honor, that in the convention, her voice and her most strenuous exertions were employed in favor of the immediate abolition of the traffic. Still sir, with respect to any, or all the slave-holding states, I may be allowed to ask, is diffu-

sion now necessary? I think it is not. Look at the present price of slaves. Does that indicate an actual increase of their numbers to such an amount as to require diffusion? I am informed by a gentleman, upon whose accuracy I place great reliance, that from the adoption of the constitution to the present time, the price has been regularly advancing. I do not mean to say that it is as high now as it was a year ago. It was then, like every thing else, affected by speculation. But taking average periods, say of five or six years, there has been a regular and constant advance, manifesting a demand at least equal to the supply.

Take another and a larger view. Look at the extent of territory, occupied entirely by freemen, and that which is occupied by freemen and by slaves. You will find, that at the time of the last census, in 1810, four hundred and forty-four thousand and seventy square miles were inhabited by two million, three hundred and thirty-three thousand, three hundred and thirty-six free persons, and one million, one hundred and thirty-eight thousand, three hundred and sixty slaves; giving a total of three million, four hundred and seventy-one thousand, six hundred and ninety-six. At the same period, three million, six hundred and fifty thousand, one hundred and one free persons had for their portion three hundred and twelve thousand, seven hundred and thirty-six square miles. Such was then the comparative extent and population of the free states, and of the slave-holding states and territories; the latter with fewer inhabitants by almost two hundred thousand, possessing above one hundred and thirty thousand square miles of land more than the former—a tract of country equal in size to the two largest states in the union. The population, in the free states, we know increases with greater rapidity than in the slave-holding states. At the present time it is not to be doubted, that the disparity is greater than it was in 1810, and more unfavorable to the free inhabitants. In making the distribution of future comforts, we ought to have at least an



equal eye to the latter, and they, I think from this statement, are most likely soon to want room to diffuse.

If it were not dwelling too long upon this part of the subject, I would ask gentlemen to look also at the comparative statement of the population to the square mile, in the free states, and in the slave-holding states. They will find it in Dr. Seybert's work, (page 45.) If I mistake not, the average of the former was, twenty-seven, fifty-six, and of the latter, fifteen, thirty-six, applying the computation to the states contained in his table. These facts sufficiently answer the question, whether the diffusion of the slave population is now necessary.

I am fully convinced, however, that this idea of diffusion, (as distinguished from extension,) which is at present so great a favorite, is altogether founded in error. If the amount of the slave population were fixed, and it could not be increased, it would no doubt be correct to say, that in spreading it over a larger surface, you only diffused it. But this is certainly not the case. We need not recur for proof or illustration to the laws that govern population. Our own experience unhappily shows, that this evil has a great capacity to increase; and its present magnitude is such as to occasion the most serious anxiety. In 1790, there were in the United States, six hundred and ninety-four thousand, two hundred and eighty slaves; in 1800, there were eight hundred and eighty-nine thousand, eight hundred and eighty one; and in 1810, one million, one hundred and sixty-five thousand, four hundred and forty-one. This is a gloomy picture. The arguments of gentlemen on the opposite side admit that an increase will take place, for they are founded upon the belief that the time must arrive when the slaves will be so multiplied as to become dangerous to their possessors. There are indeed no limits to the increase of population, black or white, slave or free, but those which depend upon the means of subsistence. By enlarging the space, generally speaking, you increase the quantity of food, and of course you increase the num-

bers of the people. Our own illustrious Franklin, with his usual sagacity, long ago discovered this important truth. "Was the face of the earth," he says, "vacant of other plants, it might be gradually sowed and overspread with one kind only, as for instance, with fennel; and were it empty of other inhabitants, it might, in a few ages, be replenished with one nation only, as for instance, with Englishmen." If this does not exactly happen, it is only because in their march, they are met and resisted by other plants and by other people, struggling, like themselves for the means of subsistence.

By enlarging the limits for slavery, you are thus preparing the means for its indefinite increase and extension, and the result will be, to keep the present slave-holding states supplied to their wishes with this description of population, and to enable them to throw off the surplus, with all its productive power, on the west, as long as the country shall be able and willing to receive them. To what extent you will, in this way, increase the slave population, it is impossible to calculate; but that you will increase it there can be no doubt, and it is equally certain that the increase will be at the expense of the free population.

The same gentleman, to whom I have several times referred before, (Mr. Clay,) insists that this will not be the case. He says, that the ratio of increase of slave population shows, that its activity is now at the maximum; and as this implies the existence of the most favorable circumstances, you cannot, by any change, accelerate the increase. He therefore infers, that if from twenty slaves in an old state, you take two, and transfer them to a new one, it is an actual diminution in the state from which they are taken to that amount, and putting the two states together, you simply change the place but not alter the quantity. Supposing the fact to be, as it is here assumed to be, that the activity of increase is now at its maximum, it affords a most conclusive argument against the necessity of diffusion. It proves that there is ample room, and

abundant means of subsistence, within the limits that now circumscribe the slave population, and that no enlargement of those limits is necessary. But, sir, we must look a little into the future. Legislation, on this subject, is not merely for the moment we occupy. The whole scope of the argument against us, is founded upon the belief, that the time must come when the slaves will be straitened in the territory, large as it is, which now confines them. When that time shall arrive, I presume it will not be denied, that their numbers will be increased, by enlarging the space for them, and then, certainly, you will have extended slavery, in every sense.

Will it be such a dispersion as the gentleman from Virginia, (Mr. Smyth,) has talked of? If, like prisoners of war, (one of the cases he has mentioned,) they were to be detained for a limited time, and then set at liberty; or, if they were to be mixed in society, and gradually lose their distinctive character in the mixture, dispersion would be highly expedient and just. But, they are negroes and slaves—so they are to continue. Their descendants are to be negroes and slaves, to the latest generation, and forever chained to their present condition. Nature has placed upon them an unalterable physical mark, and you have associated with it an inseparable moral degradation, either of which opposes a barrier, not to be passed, to their coalescing with the society that surrounds them. They are, and forever must remain distinct.

And now, let me ask gentlemen, where this diffusion is to end? If circumstances require it at present, will not the same circumstances demand it hereafter? Will they not, at some future time, become straitened in their new limits, however large? And what will you do then? Diffuse again; and what then? Even this diffusion will have its limits, and when they are reached, the case is without remedy and without hope. For a present ease to ourselves, we doom our posterity to an interminable curse. But, we seem to forget, altogether, that while the slaves are spreading, the

free population is also increasing, and, sooner or later, must feel the pressure, which it is supposed may at some time be felt by the slaves. Where you place a slave, he occupies the ground that would maintain a freeman. And who, in this code of speculative humanity, making provision for times afar off, is to have the preference, the freeman or the slave?

In this long view of remote and distant consequences, the gentleman from Kentucky, (Mr. Clay,) thinks he sees how slavery, when thus spread, is at last to find its end. It is to be brought about by the combined operation of the laws which regulate the price of labor and the laws which govern population. When the country shall be filled with inhabitants, and the price of labor shall have reached a minimum (a comparative minimum I suppose is meant,) free labor will be found cheaper than slave labor. Slaves will then be without employment, and, of course, without the means of comfortable subsistence, which will reduce their numbers, and finally extirpate them. This is the argument, as I understand it. When the period referred to will arrive, no one can pretend to conjecture. Much less, would any one attempt to say, what number of slaves we shall have, (with the previous encouragement proposed to be given to them,) when this severe law shall begin to operate. But every prudent and feeling man will, I think, agree, without hesitation, that he would rather see the experiment tried upon a small scale than a large one; that it would be much more easily and safely conducted, and with much less suffering, in the present slave-holding states, than if it were to embrace, in addition, the whole of the great territory beyond the Mississippi. But, let me ask that gentleman, what he supposes will happen in the mean time? The diminished price of labor, and the reduced means of subsistence, are, according to this theory, first to operate upon the freemen, and then upon the slaves, and upon both by producing a considerable degree of misery. Does he suppose that they will patiently submit, and wait till the slow destruction ar-

rives? The two great classes, kept distinct by your laws, would, in such a struggle, like two men upon a single plank in the ocean, make a desperate effort each to secure to itself existence, by destroying the life of the other. When want and misery begin to press upon them, instinct will teach them how to seek relief, and deadly violence will be its agent. And what would then be the situation of the country? I shudder even to think of it. The present slave-holding states have a security in being surrounded by states that are free. But if the whole nation, or even a considerable part of it, were in the same condition, what security should we then have?

Again, sir, we are told, that the amendment in question will injure the rights of property, by depriving the owners of slaves of their unborn descendants, and by lessening the value of their lands, bought upon the presumption that Missouri would be a slave state. Sir, we have no right to meddle with the question of slavery in the existing states. Their own laws must regulate the subject, and they may modify it as to them shall seem best. But, as a general position, independently of state provisions, it may safely be averred, that no man has a property in an unborn human being. We need not go far for the proof of this. The states that have abolished slavery, have done so by declaring, that the children to be born should be free; which would have been beyond their power, if there had been a property in the children before their birth. This principle, however, is so well established, that it need not be further insisted upon. The depreciation in the value of land, is a consequence not likely to happen. The reverse will be the case. Let any one compare the prices and the improvement of land in the free states, and in the slave-holding states, and he will be satisfied, that in this, as in every other respect, Missouri will be a great gainer by the restriction. But, if it were otherwise, is the great policy of the nation in a point so vital—are the essential interests of justice and humanity, to yield to the pecuniary interests

of a few individuals? Can you always avoid doing a partial injury by your public measures? When war is declared, what is the effect upon the merchant? When peace is made, how does it fare with the manufacturer? You cannot even alter the rate of a duty, without affecting some interest of the community, either to its prejudice or benefit, and at last you must come to the consideration of the great question of national concern, to which minor considerations must give way.

In the variety of claims, that have been pressed upon us, there is but a single one which deserves a moment's attention. It is that which arises out of the inquiry, so often repeated, will you not suffer a man to migrate with his family? Those who have been accustomed to the labor and service of slaves, it is not to be denied, cannot at once change their habits, without feeling, at least, a great deal of inconvenience. It is also true, that the associations, which have been formed in families, cannot be broken up without violence and injury to both the parties; and in proportion as the authority has been mild in its exercise, will the transfer of it to other hands be disadvantageous, especially to the servant. But, it is impossible to make a discrimination, or to permit the introduction of slaves at all, without giving up the whole matter. If you allow slavery to exist, you must allow it without limits. The consequence is, that the state becomes a slave state. Free labor and slave labor cannot be employed together. Those who go there must become slave holders, and your whole system is overturned. Besides, if the limited permission did not, of itself, produce the evil, to an unlimited extent, (as it certainly would,) it is liable to abuses, beyond all possibility of control, which would inevitably have that effect. The numbers of a family are not defined—the number of families of this sort, which a single individual may have, cannot be fixed. It is easy to see how, under color of such permission, a regular trade might be established, and carried on as long as there was any

temptation of profit or interest. This argument, however, has been pressed, as if a prohibition to go with slaves, was, in effect, a prohibition to the inhabitants of a slave-holding state to go at all. I cannot believe this to be the case. They may go without slaves; for, though slaves are a convenience and a luxury to those who are accustomed to them, yet the inhabitants of the slave-holding states would hardly admit that they are indispensably necessary. Besides, they may take their slaves with them as free servants. But look at the converse. The introduction of slavery banishes free labor, or places it under such discouragement and opprobrium as are equivalent in effect. You shut the country, then, against the free emigrant, who carries with him nothing but his industry. There are large and valuable classes of people, who are opposed to slavery, and cannot live where it is permitted. These too you exclude. The laws and the policy of a slave state will and must be adapted to the condition of slavery, and, without going into any particulars, it will be allowed, that they are, in the highest degree, offensive to those who are opposed to slavery. It seems to me, sir, I may be pardoned for so far expressing an opinion upon the concerns of the slave-holding states—it seems to me, that the people of the south have a common interest with us in this question, not for themselves, perhaps, but for those who are equally dear to them. The cultivation by slaves requires large estates. They cannot be parcelled out and divided. In the course of time, and before very long, it will happen that the younger children of southern families must look elsewhere to find employment for their talents, and scope for their exertion. What better provision can they have, than free states, where they may fairly enter into competition with freemen, and every one find the level which his proper abilities entitle him to expect? The hint is sufficient, I venture to throw it out for the consideration of those whom it concerns.

But, independently of the objections to the exten-

sion, arising from the views thus presented by the opponents of the amendment, and independently of many much more deeply founded objections, which I forbear now to press, there are enough, of a very obvious kind, to settle the question conclusively. With the indulgence of the committee, I will touch upon some of them.

It will be remembered, that this is the first step beyond the Mississippi—the state of Louisiana is no exception, for there slavery existed to an extent which left no alternative. It is the last step, too, for this is the last stand that can be made. Compromise is forbidden by the principles contended for on both sides. Any compromise that would give slavery to Missouri is out of the question. It is, therefore, the final, irretrievable step, which can never be recalled, and must lead to an immeasurable spread of slavery over the country beyond the Mississippi. If any one falter; if he be tempted by insinuations, or terrified by the apprehension of losing something desirable; if he find himself drawn aside by views to the little interests that are immediately about him—let him reflect upon the magnitude of the question, and he will be elevated above all such considerations. The eyes of the country are upon him; the interests of posterity are committed to his care; let him beware how he barter, not his own, but his children's birth-right, for a mess of pottage. The consciousness that we have done our duty is a sure and never failing dependence. It will stand by us and support us through life, under every vicissitude of fortune, and in every change of circumstances. It sheds a steady and a cheering light, upon the future as well as the present, and is at once a grateful and a lasting reward.

Again, sir, by increasing the market for slaves, you postpone and destroy the hope of extinguishing slavery by emancipation. It seems to me, that the reduction in value of slaves, however accomplished, is the only inducement that will ever effect an abolition of slavery. The multiplication of free states, will at the same



time give room for emancipation, or to speak more accurately, for those who are emancipated. This, I would respectfully suggest, is the only effectual plan of colonization; but it can never take effect while it is the interest of owners to pursue their slaves with so much avidity, or to pay such prices for them. Increase the market, and you keep up the value; increase the number of slave-holding states, and you destroy the possibility of emancipation, even if every part of the union should desire it. You extend, indefinitely, the formidable difficulties which already exist.

Nor does the mischief stop here. All liberal minds, and all parts of the union, have with one voice agreed in the necessity of abolishing that detestable traffic in human flesh, the slave trade—the foreign slave trade. But reject the amendment on your table, admit Missouri without restriction, and you will inevitably introduce and establish a great inland domestic slave trade, not, it is true, with all the horrors of the middle passage, nor the cold blooded calculation upon the waste of human life in the seasoning, but still with many of the odious features, and some of the most cruel accompaniments of that hateful traffic. From Washington to St. Louis, may be a distance of one thousand miles. Through this great space, and even a much greater, you must witness the transportation of slaves with the usual appendages of handcuffs and chains. The ties of domestic life will be violently rent asunder, and those, whom nature has bound together, suffer all the pangs of an unnatural and cruel separation. Unfeeling force, stimulated by unfeeling avarice, will tear the parent from the child, and the child from the parent—the husband from the wife, and the wife from the husband. We have lately witnessed something of this sort, during the period of high prices. Gentlemen of the south, particularly those from Virginia, who speak of their slaves as a part of their family, would start at this; they would reject, with scorn and indignation, even a suggestion, that they were to furnish a market for the supply of slaves to the other states. I

can well believe, that in families where the relation has long subsisted; there are feelings that would revolt at such a thought—feelings that have considerably modified this severe condition, and grown out of the associations, it has, in a long course of time, produced. But can any one tell, what cupidity may win or necessity extort? No man is superior to the assaults of fortune; and, if he were, the stroke of death will surely come, and break down his paternal government, and, then, the slave dealer, whom he would have kicked from his inclosure, like a poisonous reptile, presents himself—to whom? He cannot tell. Thoughts like these, have often, I doubt not, produced the liberation of slaves. If gentlemen question our sincerity, let them consider at what period of life it is, that emancipation most frequently takes place. It is at that serious moment, when men sit down to settle their worldly concerns, and, as it were, to take their leave of the world. Then, it is, by the last will, to take effect when their own control is ended, that owners restore their slaves to freedom, and, by what they certainly consider an act of justice, surrender them to themselves, rather than leave them to the disposal of they know not whom. Let gentlemen from the south reflect on this. The public sentiment, upon the subject of slavery, is everywhere improved, and still improving. It has already destroyed that monstrous inhumanity called the slave trade. I fear that such a measure, as is now proposed by the opponents of the restriction, would not merely check and retard its progress. I seriously fear that it may gradually work an entire change. The effects are not to be contemplated without the deepest anxiety.

The political aspect of the subject is not less alarming. The existence of this condition among us, continually endangers the peace and wellbeing of the union, by the irritation and animosity it creates between neighboring states. It weakens the nation while it is entire. And if ever a division should happen, can any one reflect, without horror, upon the consequences that may

be worked out of an extensively prevailing system of slavery? We are told, indeed, both in the House and out of it, to leave the matter to Providence. Those, who tell us so, are nevertheless active and eager in the smallest of their own concerns, omitting nothing to secure success. Sir, we are endowed with faculties, that enable us to judge and to choose—to look before and after, however imperfectly. When these have been fairly and conscientiously exerted, we may then humbly submit the consequences, with the hope and belief, that whatever they may be, they will not be imputed to us. The issue of our counsels, however well meant, is not in our hands. But if for our own gratification, regardless of all considerations of right or wrong, of good or evil, we hug a vicious indulgence to our bosom, until we find it turning to a venomous serpent, and threatening to sting us to the heart, with what rational or consoling expectation, can we call upon Providence to tear it away and save us from destruction.

It is time to come to a conclusion; I fear I have already trespassed too long. In the effort I have made to submit to the committee my views of this question, it has been impossible to escape entirely the influence of the sensation that pervades this House. Yet I have no such apprehensions as have been expressed. The question is indeed an important one; but its importance is derived altogether from its connexion with the extension, indefinitely, of negro slavery, over a land which I trust Providence has destined for the labor and the support of freemen. I have no fear that this question, much as it has agitated the country, is to produce any fatal division, or even to generate a new organization of parties. It is not a question upon which we ought to indulge unreasonable apprehensions, or yield to the counsels of fear. It concerns ages to come and millions to be born. It is, as it were, a question of a new political creation, and it is for us, under Heaven, to say, what shall be its condition. If we impose the restriction, it will I hope be finally imposed. But, if hereafter it should be found right to

remove it, and the state consent, we can remove it. Admit the state, without the restriction, the power is gone forever, and with it are forever gone all the efforts that have been made by the non-slave-holding states, to repress and limit the sphere of slavery, and enlarge and extend the blessings of freedom. With it, perhaps, is gone forever, the power of preventing the traffic in slaves, that inhuman and detestable traffic, so long a disgrace to Christendom. In future, and no very distant times, convenience, and profit, and necessity, may be found as available pleas as they formerly were, and for the luxury of slaves, we shall again involve ourselves in the sin of the trade. We must not presume too much upon the strength of our resolutions. Let every man, who has been accustomed to the indulgence, ask himself if it is not a luxury—a tempting luxury, which solicits him strongly and at every moment. The prompt obedience, the ready attention, the submissive and humble, but eager effort to anticipate command—how flattering to our pride, how soothing to our indolence! To the members from the south I appeal, to know whether they will suffer any temporary inconvenience, or any speculative advantage to expose us to the danger. To those of the north, no appeal can be necessary. To both, I can most sincerely say, that as I know my own views on this subject to be free from any unworthy motive, so will I believe, that they likewise have no object but the common good of our common country; and that nothing would have given me more heartfelt satisfaction, than that the present proposition should have originated in the same quarter to which we are said to be indebted for the ordinance of 1787. Then, indeed, would Virginia have appeared in even more than her wonted splendor, and spreading out the scroll of her services, would have beheld none of them with greater pleasure, than that series which began, by pleading the cause of humanity in remonstrances against the slave trade, while she was yet a colony, and, embracing her own act of abolition, and the or-

dinance of 1787, terminated in the restriction on Missouri. Consider, what a foundation our predecessors have laid! And behold, with the blessing of Providence, how the work has prospered! What is there, in ancient or in modern times, that can be compared with the growth and prosperity of the states formed out of the Northwest Territory? When Europeans reproach us with our negro slavery, when they contrast our republican boast and pretensions with the existence of this condition among us, we have our answer ready—it is to you we owe this evil—you planted it here, and it has taken such root in the soil we have not the power to eradicate it. Then, turning to the west, and directing their attention to Ohio, Indiana and Illinois, we can proudly tell them, these are the offspring of our policy and our laws, these are the free productions of the constitution of the United States. But, if beyond this smiling region, they should descry another dark spot upon the face of the new creation—another scene of negro slavery, established by ourselves, and spreading continually towards the further ocean, what shall we say then? No, sir, let us follow up the work our ancestors have begun. Let us give to the world a new pledge of our sincerity. Let the standard of freedom be planted in Missouri, by the hands of the constitution, and let its banner wave over the heads of none but freemen—men retaining the image impressed upon them by their Creator, and dependent upon none but God and the laws. Then, as our republican states extend, republican principles will go hand in hand with republican practice—the love of liberty with the sense of justice. Then, sir, the dawn, beaming from the constitution, which now illuminates Ohio, Indiana and Illinois, will spread with increasing brightness to the further west, till, in its brilliant lustre, the dark spot, which now rests upon our country, shall be forever hid from sight. Industry, arts, commerce, knowledge, will flourish with plenty and contentment for ages to come, and the loud chorus of universal freedom, re-echo from the Pacific to the Atlantic, the

great truths of the declaration of independence. Then, too, our brethren of the south, if they sincerely wish it, may scatter their emancipated slaves through this boundless region, and our country, at length, be happily freed forever from the foul stain and curse of slavery. And if, (may it be far, very far distant!) intestine commotion—civil dissension—division, should happen—we shall not leave our posterity exposed to the combined horrors of a civil and a servile war. If any man still hesitate, influenced by some temporary motive of convenience, or ease, or profit, I charge him to think what our fathers have suffered for us, and then to ask his heart, if he can be faithless to the obligation he owes to posterity?

# INAUGURAL ADDRESS

OF

JAMES MONROE,

PRESIDENT OF THE UNITED STATES,

DELIVERED MARCH 4, 1821.



FELLOW-CITIZENS,

I SHALL not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my fellow-citizens, evinced by my re-election to this high trust, has excited in my bosom. The approbation, which it announces of my conduct in the preceding term, affords me a consolation which I shall profoundly feel through life. The general accord, with which it has been expressed, adds to the great and never-ceasing obligations which it imposes. To merit the continuance of this good opinion, and to carry it with me into my retirement, as the solace of my advancing years, will be the object of my most zealous and unceasing efforts.

Having no pretensions to the high and commanding claims of my predecessors, whose names are so much more conspicuously identified with our revolution, and who contributed so pre-eminently to promote its success, I consider myself rather as the instrument than the cause of the union which has prevailed in the late election. In surmounting, in favor of my humble pretensions, the difficulties which so often produce division in like occurrences, it is obvious that other powerful causes, indicating the great strength and stability of our union, have essentially contributed to draw you together. That these powerful causes exist, and that they are permanent, is my fixed opinion; that they

may produce a like accord in all questions, touching, however remotely, the liberty, prosperity and happiness of our country, will always be the object of my most fervent prayers to the Supreme Author of all good.

In a government which is founded by the people, who possess exclusively the sovereignty, it seems proper that the person, who may be placed by their suffrages in this high trust, should declare, on commencing its duties, the principles on which he intends to conduct the administration. If the person, thus elected, has served the preceding term, an opportunity is afforded him to review its principal occurrences, and to give such further explanation respecting them, as in his judgment may be useful to his constituents. The events of one year have influence on those of another; and, in like manner, of a preceding on the succeeding administration. The movements of a great nation are connected in all their parts. If errors have been committed, they ought to be corrected; if the policy is sound, it ought to be supported. It is by a thorough knowledge of the whole subject that our fellow-citizens are enabled to judge correctly of the past, and to give a proper direction to the future.

Just before the commencement of the last term, the United States had concluded a war with a very powerful nation, on conditions equal and honorable to both parties. The events of that war are too recent, and too deeply impressed on the memory of all, to require a development from me. Our commerce had been, in a great measure, driven from the sea; our Atlantic and inland frontiers were invaded in almost every part; the waste of life along our coast, and on some parts of our inland frontiers, to the defence of which our gallant and patriotic citizens were called, was immense; in addition to which, not less than one hundred and twenty millions of dollars were added, at its end, to the public debt.

As soon as the war had terminated, the nation, admonished by its events, resolved to place itself in a



situation which should be better calculated to prevent the recurrence of a like evil, and, in case it should recur, to mitigate its calamities. With this view, after reducing our land force to the basis of a peace establishment, which has been further modified since, provision was made for the construction of fortifications, at proper points, through the whole extent of our coast, and such an augmentation of our naval force, as should be well adapted to both purposes. The laws, making this provision, were passed in 1815 and 16, and it has been, since, the constant effort of the executive, to carry them into effect.

The advantage of these fortifications, and of an augmented naval force, in the extent contemplated, in a point of economy, has been fully illustrated, by a report of the board of engineers and naval commissioners, lately communicated to Congress, by which it appears, that in an invasion by twenty thousand men, with a correspondent naval force, in a campaign of six months only, the whole expense of the construction of the works would be defrayed by the difference in the sum necessary to maintain the force which would be adequate to our defence with the aid of these works, and that which would be incurred without them. The reason of this difference is obvious. If fortifications are judiciously placed on our great inlets, as distant from our cities as circumstances will permit, they will form the only points of attack, and the enemy will be detained there by a small, regular force, a sufficient time to enable our militia to collect, and repair to that on which the attack is made. A force adequate to the enemy, collected at that single point, with suitable preparation for such others as might be menaced, is all that would be requisite. But, if there were no fortifications, then the enemy might go where he pleased, and, changing his position, and sailing from place to place, our force must be called out and spread in vast numbers along the whole coast, and on both sides of every bay and river, as high up in each as it might be navigable for ships of war. By these forti-

fications, supported by our navy, to which they would afford like support, we should present to other powers, an armed front from St. Croix to the Sabine, which would protect, in the event of war, our whole coast and interior from invasion; and even in the wars of other powers, in which we were neutral, they would be found eminently useful; as, by keeping their public ships at a distance from our cities, peace and order in them would be preserved, and the government be protected from insult.

It need scarcely be remarked, that these measures have not been resorted to in a spirit of hostility to other powers. Such a disposition does not exist towards any power. Peace and good will have been, and will hereafter be, cultivated with all, and by the most faithful regard for justice. They have been dictated by a love of peace, of economy, and an earnest desire to save the lives of our fellow-citizens from that destruction, and our country from that devastation, which are inseparable from war, when it finds us unprepared for it. It is believed, and experience has shown, that such a preparation is the best expedient that can be resorted to, to prevent war. I add, with much pleasure, that considerable progress has already been made in these measures of defence, and that they will be completed in a few years, considering the great extent and importance of the object, if the plan be zealously and steadily persevered in.

The conduct of the government, in what relates to foreign powers, is always an object of the highest importance to the nation. Its agriculture, commerce, manufactures, fisheries, revenue—in short, its peace, may all be affected by it. Attention is, therefore, due to this subject.

At the period adverted to, the powers of Europe, after having been engaged in long and destructive wars with each other, had concluded a peace, which happily still exists. Our peace with the power with whom we had been engaged, had also been concluded. The war between Spain and the colonies of South America,

which had commenced many years before, was then the only conflict that remained unsettled. This being a contest between different parts of the same community, in which other powers had not interfered, was not affected by their accommodations.

This contest was considered, at an early stage, by my predecessor, a civil war, in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies, and of all other circumstances on which it ought to depend, was in strict accord with the law of nations. Congress has invariably acted on this principle, having made no change in our relations with either party. Our attitude has, therefore, been that of neutrality, between them, which has been maintained with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one, which has not been equally open to the other party; and every exertion has been made in its power, to enforce the execution of the laws prohibiting illegal equipments, with equal rigor against both.

By this equality between the parties, their public vessels have been received in our ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest; our citizens have traded equally with both, and their commerce with each has been alike protected by the government.

Respecting the attitude which it may be proper for the United States to maintain hereafter between the parties, I have no hesitation in stating it as my opinion, that the neutrality heretofore observed, should still be adhered to. From the change in the government of Spain, and the negotiation now pending, invited by the Cortes and accepted by the colonies, it

may be presumed that their differences will be settled on the terms proposed by the colonies. Should the war be continued, the United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it, as their honor and interest may require.

Shortly after the general peace, a band of adventurers took advantage of this conflict, and of the facility which it afforded, to establish a system of buccaneering in the neighboring seas, to the great annoyance of the commerce of the United States, and, as was represented, of that of other powers. Of this spirit and of its injurious bearing on the United States, strong proofs were afforded by the establishment at Amelia Island, and the purposes to which it was made instrumental, by this band, in 1817, and by the occurrences which took place in other parts of Florida, in 1818, the details of which, in both instances, are too well known to require to be now recited. I am satisfied, had a less decisive course been adopted, that the worst consequences would have resulted from it. We have seen that these checks, decisive as they were, were not sufficient to crush that piratical spirit. Many culprits, brought within our limits, have been condemned to suffer death, the punishment due to that atrocious crime. The decisions of upright and enlightened tribunals fall equally on all, whose crimes subject them, by a fair interpretation of the law, to its censure. It belongs to the executive not to suffer the executions, under these decisions, to transcend the great purpose for which punishment is necessary. The full benefit of example being secured, policy, as well as humanity, equally forbids that they should be carried further. I have acted on this principle, pardoning those who appear to have been led astray by ignorance of the criminality of the acts they had committed, and suffering the law to take effect on those only, in whose favor no extenuating circumstances could be urged.

Great confidence is entertained that the late treaty

with Spain, which has been ratified by both the parties, and the ratifications whereof have been exchanged, has placed the relations of the two countries on a basis of permanent friendship. The provision, made by it for such of our citizens as have claims on Spain, of the character described, will, it is presumed, be very satisfactory to them, and the boundary which is established between the territories of the parties, westward of the Mississippi, heretofore in dispute, has, it is thought, been settled on conditions just and advantageous to both. But to the acquisition of Florida, too much importance cannot be attached. It secures to the United States a territory important in itself, and whose importance is much increased by its bearing on many of the highest interests of the union. It opens to several of the neighboring states a free passage to the ocean, through the province ceded, by several rivers, having their sources high up within their limits. It secures us against all future annoyance from powerful Indian tribes. It gives us several excellent harbors in the Gulf of Mexico, for ships of war, of the largest size. It covers, by its position in the Gulf, the Mississippi and other great waters within our extended limits, and thereby enables the United States to afford complete protection to the vast and very valuable productions of our whole western country, which find a market through those streams.

By a treaty with the British government, bearing date on the 20th of October, 1818, the convention regulating the commerce between the United States and Great Britain, concluded on the 3d of July, 1815, which was about expiring, was revived and continued for the term of ten years from the time of its expiration. By that treaty also, the differences which had arisen under the treaty of Ghent, respecting the right claimed by the United States for their citizens, to take and cure fish on the coast of his Britannic majesty's dominions in America, with other differences on important interests, were adjusted, to the satisfaction of both parties. No agreement has yet been entered into respecting the

commerce between the United States and the British dominions in the West Indies, and on this continent. The restraints, imposed on that commerce by Great Britain, and reciprocated by the United States, on a principle of defence, continue still in force.

The negotiation with France for the regulation of the commercial relations between the two countries, which, in the course of the last summer, had been commenced at Paris, has since been transferred to this city, and will be pursued, on the part of the United States, in the spirit of conciliation, and with an earnest desire that it may terminate in an arrangement satisfactory to both parties.

Our relations with the Barbary Powers are preserved in the same state, and by the same means, that were employed when I came into this office. As early as 1801, it was found necessary to send a squadron into the Mediterranean, for the protection of our commerce, and no period has intervened, a short term excepted, when it was thought advisable to withdraw it. The great interests, which the United States have in the Pacific, in commerce, and in the fisheries, have also made it necessary to maintain a naval force there. In disposing of this force, in both instances, the most effectual measures in our power have been taken, without interfering with its other duties, for the suppression of the slave trade, and of piracy, in the neighboring seas.

The situation of the United States, in regard to their resources, the extent of their revenue, and the facility with which it is raised, affords a most gratifying spectacle. The payment of nearly sixty-seven millions of dollars of the public debt, with the great progress made in measures of defence, and in other improvements of various kinds, since the late war, are conclusive proofs of this extraordinary prosperity; especially when it is recollected, that these expenditures have been defrayed, without a burden on the people, the direct tax and excise having been repealed soon after the conclusion of the late war, and the revenue applied

to these great objects having been raised in a manner not to be felt. Our great resources, therefore, remain untouched, for any purpose which may affect the vital interests of the nation. For all such purposes they are inexhaustible. They are more especially to be found in the virtue, patriotism and intelligence of our fellow-citizens, and in the devotion with which they would yield up, by any just measure of taxation, all their property in support of the rights and honor of their country.

Under the present depression of prices, affecting all the productions of the country, and every branch of industry, proceeding from causes explained on a former occasion, the revenue has considerably diminished; the effect of which has been to compel Congress either to abandon these great measures of defence, or to resort to loans or internal taxes to supply the deficiency. On the presumption that this depression and the deficiency in the revenue arising from it, would be temporary, loans were authorized for the demands of the last and present year. Anxious to relieve my fellow-citizens, in 1817, from every burden which could be dispensed with, and the state of the treasury permitting it, I recommended the repeal of the internal taxes, knowing that such relief was then peculiarly necessary, in consequence of the great exertions made in the late war. I made that recommendation under a pledge that should the public exigencies require a recurrence to them at any time while I remained in this trust, I would, with equal promptitude, perform the duty which would then be alike incumbent on me. By the experiment now making it will be seen, by the next session of Congress, whether the revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially, should it be probable that it would be permanent, the course to be pursued, appears to me to be obvious. I am satisfied that, under certain circumstances, loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the

demands of the current year, especially in time of peace, should be provided for by the revenue of that year.

I have never dreaded, nor have I ever shunned, in any situation in which I have been placed, making appeals to the virtue and patriotism of my fellow-citizens, well knowing that they could never be made in vain, especially in times of great emergency, or for purposes of high national importance. Independently of the exigency of the case, many considerations, of great weight, urge a policy having in view a provision of revenue to meet, to a certain extent, the demands of the nation, without relying altogether on the precarious resource of a foreign commerce. I am satisfied that internal duties and excises, with corresponding imposts on foreign articles of the same kind, would, without imposing any serious burdens on the people, enhance the price of produce, promote our manufactures, and augment the revenue, at the same time that they made it more secure and permanent.

The care of the Indian tribes within our limits has long been an essential part of our system; but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations without their having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and, in many instances, paved the way to their destruction. The progress of our settlements westward, supported, as they are, by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity, and I may add on the justice of this nation, which we must all feel. We should become their real benefactors; we should perform the office of their Great Father, the endearing title which they emphatically give to the chief magistrate of our union. Their sovereignty over territories should cease, in lieu of which the right of soil should be secured to each indi-



vidual and his posterity, in competent portions, and, for the territory thus ceded by each tribe, some reasonable equivalent should be granted, to be vested in permanent funds for the support of civil government over them, and for the education of their children, for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is, that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

Europe is again unsettled, and the prospect of war increasing. Should the flame light up in any quarter, how far it may extend, it is impossible to foresee. It is our peculiar felicity to be altogether unconnected with the causes which produce this menacing aspect elsewhere. With every power we are in perfect amity, and it is our interest to remain so, if it be practicable on just conditions. I see no reasonable cause to apprehend variance with any power, unless it proceed from a violation of our maritime rights. In these contests, should they occur, and to whatever extent they may be carried, we shall be neutral; but as a neutral power, we have rights which it is our duty to maintain. For light injuries it will be incumbent on us to seek redress in a spirit of amity, in full confidence that, injuring none, none would knowingly injure us. For more imminent dangers we should be prepared; and it should always be recollected that such preparation, adapted to the circumstances, and sanctioned by the judgment and wishes of our constituents, cannot fail to have a good effect, in averting dangers of every kind. We should recollect, also, that the season of peace is best adapted to these preparations.

If we turn our attention, fellow-citizens, more immediately to the internal concerns of our country, and more especially to those on which its future welfare depends, we have every reason to anticipate the happiest results. It is now rather more than forty-four

years since we declared our independence, and thirty-seven since it was acknowledged. The talents and virtues, which were displayed in that great struggle, were a sure presage of all that has since followed. A people who were able to surmount, in their infant state, such great perils, would be more competent, as they rose into manhood, to repel any which they might meet in their progress. Their physical strength would be more adequate to foreign danger and the practice of self-government, aided by the light of experience, could not fail to produce an effect, equally salutary, on all those questions connected with the internal organization. These favorable anticipations have been realized. In our whole system, national and state, we have shunned all the defects which unceasingly preyed on the vitals and destroyed the ancient republics. In them, there were distinct orders, a nobility and a people, or the people governed in one assembly. Thus, in the one instance, there was a perpetual conflict between the orders in society for the ascendancy, in which the victory of either terminated in the overthrow of the government, and the ruin of the state. In the other, in which the people governed in a body, and whose dominions seldom exceeded the dimensions of a county in one of our states, a tumultuous and disorderly movement, permitted only a transitory existence. In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them without impairing, in the slightest degree, their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for all the purposes of free, enlightened and efficient government. The whole system is elective, the complete sovereignty being in the people, and every officer, in every department, deriving his authority from, and being responsible to, them for his conduct.

Our career has corresponded with this great outline. Perfection in our organization could not have been ex-

pected in the outset, either in the national or state governments, or in tracing the line between their respective powers. But no serious conflict has arisen, nor any contest but such as are managed by argument, and by a fair appeal to the good sense of the people; and many of the defects, which experience had clearly demonstrated in both governments, have been remedied. By steadily pursuing this course, in this spirit, there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable, and that the movement, in all its branches, will exhibit such a degree of order and harmony, as to command the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. Twenty-five years ago, the river Mississippi was shut up, and our western brethren had no outlet for their commerce. What has been the progress since that time? The river has not only become the property of the United States, from its source to the ocean, with all its tributary streams, (with the exception of the upper part of the Red river only,) but Louisiana, with a fair and liberal boundary on the western side, and the Floridas on the eastern, have been ceded to us. The United States now enjoy the complete and uninterrupted sovereignty over the whole territory from St. Croix to the Sabine. New states, settled from among ourselves in this, and in other parts, have been admitted into our union, in equal participation in the national sovereignty with the original states. Our population has augmented in an astonishing degree, and extended in every direction. We now, fellow-citizens, comprise within our limits the dimensions and faculties of a great power, under a government possessing all the energies of any government ever known to the old world, with an utter incapacity to oppress the people.

Entering, with these views, the office which I have just solemnly sworn to execute with fidelity, and to the utmost of my ability. I derive great satisfaction from a

knowledge that I shall be assisted in the several departments by the very enlightened and upright citizens from whom I have received so much aid in the preceding term. With full confidence in the continuance of that candor, and generous indulgence, from my fellow-citizens at large, which I have heretofore experienced, and with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.

# SPEECH OF DANIEL WEBSTER,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JANUARY 19, 1823;

On the following resolution, presented by himself: *Resolved*, That provision ought to be made, by law, for defraying the expense incident to the appointment of an Agent or Commissioner to Greece, whenever the President shall deem it expedient to make such appointment.



I am afraid, Mr. Chairman, that, so far as my part in this discussion is concerned, those expectations which the public excitement, existing on the subject, and certain associations, easily connected with it, have conspired to raise, may be disappointed. An occasion which calls the attention to a spot, so distinguished, so connected with interesting recollections, as Greece, may naturally excite something of warmth and enthusiasm. In a grave, political discussion, however, it is necessary that that feeling should be chastised. I shall endeavor properly to repress it, although it is impossible that it should be altogether extinguished. We must, indeed, fly beyond the civilized world, we must pass the dominion of law, and the boundaries of knowledge; we must, more especially, withdraw ourselves from this place, and the scenes which here surround us, if we would separate ourselves, altogether, from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration, and the benefit, of mankind. This free form of government, this popular assembly, the common council, held for the common good, where have we contemplated its earliest models? This practice of free debate, and public discussion, the contest of mind with mind, and that popular eloquence, which, if

it were now here, on a subject like this, would move the stones of the Capitol, whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture, all remind us that Greece has existed, and that we, like the rest of mankind, are greatly her debtors. But I have not introduced this motion in the vain hope of discharging any thing of this accumulated debt of centuries. I have not acted upon the expectation, that we, who have inherited this obligation from our ancestors, should now attempt to pay it, to those who may seem to have inherited, from their ancestors, a right to receive payment. My object is nearer and more immediate. I wish to take occasion of the struggle of an interesting and gallant people, in the cause of liberty and christianity, to draw the attention of the House to the circumstances which have accompanied that struggle, and to the principles which appear to have governed the conduct of the great states of Europe, in regard to it; and to the effects and consequences of these principles upon the independence of nations, and especially upon the institutions of free governments. What I have to say of Greece, therefore, concerns the modern, not the ancient; the living and not the dead. It regards her, not as she exists in history, triumphant over time, and tyranny, and ignorance; but as she now is, contending, against fearful odds, for being, and for the common privilege of human nature.

As it is never difficult to recite commonplace remarks, and trite aphorisms, so it may be easy, I am aware, on this occasion, to remind me of the wisdom which dictates to men a care of their own affairs, and admonishes them, instead of searching for adventures abroad, to leave other men's concerns in their own hands. It may be easy to call this resolution Quixotic, the emanation of a crusading or propagandist spirit. All this, and more, may be readily said; but all this, and more, will not be allowed to fix a character upon this proceeding, until that is proved, which it takes

for granted. Let it first be shown, that, in this question, there is nothing which can affect the interest, the character, or the duty of this country. Let it be proved, that we are not called upon, by either of these considerations, to express an opinion on the subject to which the resolution relates. Let this be proved, and then it will, indeed, be made out, that neither ought this resolution to pass, nor ought the subject of it to have been mentioned in the communication of the President to us. But, in my opinion, this cannot be shown. In my judgment, the subject is interesting to the people and the government of this country, and we are called upon, by considerations of great weight and moment, to express our opinions upon it. These considerations, I think, spring from a sense of our own duty, our character, and our own interest. I wish to treat the subject on such grounds, exclusively, as are truly American; but then, in considering it as an American question, I cannot forget the age in which we live, the prevailing spirit of the age, the interesting questions which agitate it, and our own peculiar relation, in regard to these interesting questions. Let this be, then, and as far as I am concerned, I hope it will be, purely an American discussion; but let it embrace, nevertheless, every thing that fairly concerns America; let it comprehend, not merely her present advantage, but her permanent interest, her elevated character, as one of the free states of the world, and her duty towards those great principles, which have hitherto maintained the relative independence of nations, and which have, more especially, made her what she is.

At the commencement of the session, the President, in the discharge of the high duties of his office, called our attention to the subject, to which this resolution refers. "A strong hope," says that communication, "has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole

civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost, forever, all dominion over them: that Greece will become again an independent nation."

It has appeared to me, that the House should adopt some resolution, reciprocating these sentiments, so far as it should approve them. More than twenty years have elapsed since Congress first ceased to receive such a communication from the President, as could properly be made the subject of a general answer. I do not mean to find fault with this relinquishment of a former, and an ancient practice. It may have been attended with inconveniences which justified its abolition. But, certainly, there was one advantage belonging to it; and that is, that it furnished a fit opportunity for the expression of the opinion of the Houses of Congress, upon those topics in the executive communication, which were not expected to be made the immediate subjects of direct legislation. Since, therefore, the President's message does not now receive a general answer, it has seemed to me to be proper, that in some mode, agreeable to our own usual form of proceeding, we should express our sentiments upon the important and interesting topics on which it treats.

If the sentiments of the message, in respect to Greece, be proper, it is equally proper that this House should reciprocate those sentiments. The present resolution is designed to have that extent, and no more. If it pass, it will leave any future proceeding, where it now is, in the discretion of the executive gov-



ernment. It is but an expression, under those forms in which the House is accustomed to act, of the satisfaction of the House with the general sentiments expressed, in regard to this subject; in the message, and of its readiness to defray the expense incident to any inquiry for the purpose of further information, or any other agency which the President, in his discretion, shall see fit, in whatever manner, and at whatever time, to institute. The whole matter is still left in his judgment, and this resolution can in no way restrain its unlimited exercise.

I might well, Mr. Chairman, avoid the responsibility of this measure, if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy, I am quite satisfied. The nation is prosperous, peaceful and happy; and I should very reluctantly put its peace, prosperity, or happiness, at risk. It appears to me, however, that this resolution is strictly conformable to our general policy, and not only consistent with our interests, but even demanded by a large and liberal view of those interests.

It is certainly true, that the just policy of this country is, in the first place, a peaceful policy. No nation ever had less to expect from forcible aggrandizement. The mighty agents, which are working out our greatness, are time, industry and the arts. Our augmentation is by growth, not by acquisition; by internal development, not by external accession. No schemes can be suggested to us, so magnificent as the prospects which a sober contemplation of our own condition, unaided by projects, uninfluenced by ambition, fairly spreads before us. A country of such vast extent, with such varieties of soil and climate; with so much public spirit and private enterprize; with a population increasing so much beyond former examples; with capacities of improvement not only unapplied or unexhausted, but even, in a great measure, as yet, unexplored; so free in its institutions, so mild in its laws, so secure in the title it confers on every man to his

own acquisitions, needs nothing but time and peace to carry it forward to almost any point of advancement.

In the next place, I take it for granted, that the policy of this country, springing from the nature of our government, and the spirit of all our institutions, is, so far as it respects the interesting questions which agitate the present age, on the side of liberal and enlightened sentiments. The age is extraordinary; the spirit that actuates it, is peculiar and marked; and our own relation to the times we live in, and to the questions which interest them, is equally marked and peculiar. We are placed, by our good fortune, and the wisdom and valor of our ancestors, in a condition in which we can act no obscure part. Be it for honor, or be it for dishonor, whatever we do, is not likely to escape the observation of the world. As one of the free states among the nations, as a great and rapidly rising Republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example, from producing some effect upon the opinions and hopes of society throughout the civilized world. It rests probably with ourselves to determine, whether the influence of these shall be salutary or pernicious.

It cannot be denied that the great political question of this age, is, that between absolute and regulated governments. The substance of the controversy is, whether society shall have any part in its own government. Whether the form of government shall be that of limited monarchy, with more or less mixture of hereditary power, or wholly elective, or representative, may perhaps be considered as subordinate. The main controversy is between that absolute rule, which, while it promises to govern well, means nevertheless to govern without control, and that regulated or constitutional system, which restrains sovereign discretion, and asserts that society may claim, as matter of right, some effective power in the establishment of the laws which are to regulate it. The spirit of the times sets with a most powerful current, in favor of

these last mentioned opinions. It is opposed, however, whenever and wherever it shows itself, by certain of the great potentates of Europe; and it is opposed on grounds as applicable in one civilized nation as in another, and which would justify such opposition in relation to the United States, as well as in relation to any other state, or nation, if time and circumstance should render such opposition expedient.

What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, cannot be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course, before we have even time to ask whether we have an option. Our place is on the side of free institutions. From the earliest settlement of these states, their inhabitants were accustomed, in a greater or less degree, to the enjoyment of the powers of self-government; and for the last half century, they have sustained systems of government entirely representative, yielding to themselves the greatest possible prosperity, and not leaving them without distinction and respect among the nations of the earth. This system we are not likely to abandon; and while we shall no further recommend its adoption to other nations, in whole or in part, than it may recommend itself by its visible influence on our own growth and prosperity, we are, nevertheless, interested, to resist the establishment of doctrines which deny the legality of its foundations. We stand as an equal among nations, claiming the full benefit of the established international law; and it is our duty to oppose, from the earliest to the latest moment, any innovations upon that code, which shall bring into doubt or question our own equal and independent rights.

I will now, Mr. Chairman, advert to those pretensions, put forth by the Allied Sovereigns of continental Europe, which seem to me calculated, if unresisted, to bring into disrepute the principles of our government, and, indeed, to be wholly incompatible with any de-

gree of national independence. I do not introduce these considerations for the sake of topics. I am not about to declaim against crowned heads, nor to quarrel with any country for preferring a form of government different from our own. The choice that we exercise for ourselves, I am quite willing to leave also to others. But it appears to me, that the pretensions of which I have spoken, are wholly inconsistent with the independence of nations generally, without regard to the question, whether their governments be absolute, monarchical and limited, or purely popular and representative. I have a most deep and thorough conviction, that a new era has arisen in the world, that new and dangerous combinations are taking place, promulgating doctrines, and fraught with consequences, wholly subversive, in their tendency, of the public law of nations, and of the general liberties of mankind. Whether this be so or not, is the question which I now propose to examine, upon such grounds of information as the common and public means of knowledge disclose.

Every body knows, that, since the final restoration of the Bourbons to the throne of France, the continental powers have entered into sundry alliances, which have been made public, and have held several meetings or Congresses. at which the principles of their political conduct have been declared. These things must necessarily have an effect upon the international law of the states of the world. If that effect be good, and according to the principles of that law, they deserve to be applauded. If, on the contrary, their effect and tendency be most dangerous, their principles wholly inadmissible, their pretensions such as would abolish every degree of national independence, then they are to be resisted.

I begin, Mr. Chairman, by drawing your attention to the treaty concluded at Paris, in September, 1815, between Russia, Prussia and Austria, commonly called the Holy Alliance. This singular alliance appears to have originated with the emperor of Russia; for we

are informed that a draft of it was exhibited by him, personally, to a plenipotentiary of one of the great powers of Europe, before it was presented to the other sovereigns who ultimately signed it.\* This instrument professes nothing, certainly, which is not extremely commendable and praiseworthy. It promises only that the contracting parties, both in relation to other states, and in regard to their own subjects, will observe the rules of justice and Christianity. In confirmation of these promises, it makes the most solemn and devout religious invocations. Now, although such an alliance is a novelty in European history, the world seems to have received this treaty, upon its first promulgation, with general charity. It was commonly understood as little or nothing more than an expression of thanks for the successful termination of the momentous contest, in which those sovereigns had been engaged. It still seems somewhat unaccountable, however, that these good resolutions should require to be confirmed by treaty. Who doubted that these august sovereigns would treat each other with justice, and rule their own subjects in mercy? And what necessity was there for a solemn stipulation by treaty, to ensure the performance of that, which is no more than the ordinary duty of every government? It would hardly be admitted by these sovereigns, that, by this compact, they suppose themselves bound to introduce an entire change, or any change, in the course of their own conduct. Nothing substantially new, certainly, can be supposed to have been intended. What principle, or what practice, therefore, called for this solemn declaration of the intention of the parties to observe the rules of religion and justice?

It is not a little remarkable, that a writer of reputation upon the public law, described, many years ago, not inaccurately, the character of this alliance: I al-

\* *Vide* lord Castlereagh's speech in the house of commons, February 3, 1816. Debates in parliament, vol. 36, page 355; where also the treaty may be found at length.

lude to Puffendorff. "It seems useless," says he, "to frame any pacts or leagues, barely for the defence and support of universal peace; for, by such a league, nothing is superadded to the obligation of natural law, and no agreement is made for the performance of any thing, which the parties were not previously bound to perform; nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization, might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence towards God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement: as if our obligation to obey his will depended upon our own pleasure.

"If one engage to serve another, he does not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement, in which men should bind themselves to act properly and decently, and not break the peace."\*

Such were the sentiments of that eminent writer. How nearly he had anticipated the case of the Holy Alliance, will appear from comparing his observations with the preamble to that alliance, which is as follows:

"In the name of the most Holy and Indivisible Trinity, their majesties the emperor of Austria, the king of Prussia, and the emperor of Russia,"—"solemnly declare, that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective states, and in their political relations

\* Book II. cap. 2.

with every other government, to take for their sole guide the precepts of the holy religion, namely, the precepts of justice, christian charity and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."

This measure, however, appears principally important, as it was the first of a series, and was followed afterwards by others of a more direct and practical nature. These measures, taken together, profess to establish two principles, which the Allied Powers would enforce as a part of the law of the civilized world, and the enforcement of which is menaced by a million and a half of bayonets.

The first of these principles is, that all popular, or constitutional rights, are holden no otherwise than as grants from the crown. Society, upon this principle, has no rights of its own; it takes good government, when it gets it, as a boon and a concession, but can demand nothing. It is to live in that favor which emanates from royal authority, and if it have the misfortune to loose that favor, there is nothing to protect it against any degree of injustice and oppression. It can rightfully make no endeavor for a change, by itself; its whole privilege is to receive the favors that may be dispensed by the sovereign power, and all its duty is described in the single word, submission. This is the plain result of the principal continental state papers; indeed it is nearly the identical text of some of them.

The Laybach circular of May, 1821, alleges, "that useful and necessary changes in legislation and administration, ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power; all that deviates from this line necessarily leads to disorder, commotions and evils, far more insufferable than those which they

pretend to remedy.”\* Now, sir, this principle would carry Europe back again, at once, into the middle of the dark ages. It is the old doctrine of the divine right of kings, advanced now, by new advocates, and sustained by a formidable mass of power. That the people hold their fundamental privileges, as matter of concession, or indulgence, from the sovereign power, is a sentiment not easy to diffuse in this age, any further than it is enforced by the direct operation of military means. It is true, certainly, that some six centuries ago, the early founders of English liberty called the instrument which secured their rights a Charter; it was, indeed, a concession; they had obtained it, sword in hand, from the king; and, in many other cases, whatever was obtained, favorable to human rights, from the tyranny and despotism of the feudal sovereigns, was called by the names of privileges and liberties, as being matter of special favor. And, though we retain this language at the present time, the principle itself belongs to ages that have long passed by us. The civilized world has done with the enormous faith of many made for one. Society asserts its own rights, and alleges them to be original, sacred and unalienable. It is not satisfied with having kind masters; it demands a participation in its own government: and, in states much advanced in civilization, it urges this demand with a constancy and an energy, that cannot well, nor long, be resisted. There are, happily, enough of regulated governments in the world, and those among the most distinguished, to operate as constant examples, and to keep alive an unceasing panting in the bosoms of men, for the enjoyment of similar free institutions.

When the English revolution of 1688 took place, the English people did not content themselves with the example of Runnymede; they did not build their hopes upon royal charters; they did not, like the Laybach circular, suppose that all useful changes in



constitutions and laws must proceed from those only whom God has rendered responsible for power. They were somewhat better instructed in the principles of civil liberty, or at least they were better lovers of those principles, than the sovereigns of Laybach. Instead of petitioning for charters, they declared their rights, and, while they offered to the family of Orange the crown with one hand, they held in the other an enumeration of those privileges which they did not profess to hold as favors, but which they demanded and insisted upon, as their undoubted rights.

I need not stop to observe, Mr. Chairman, how totally hostile are these doctrines of Laybach, to the fundamental principles of our government. They are in direct contradiction: the principles of good and evil are hardly more opposite. If these principles of the sovereigns be true, we are but in a state of rebellion, or of anarchy, and are only tolerated among civilized states, because it has not yet been convenient to conform us to the true standard.

But the second, and, if possible, the still more objectionable principle, avowed in these papers, is the right of forcible interference in the affairs of other states. A right to control nations in their desire to change their own government, wherever it may be conjectured, or pretended, that such change might furnish an example to the subjects of other states, is plainly and distinctly asserted. The same Congress that made the declaration at Laybach, had declared, before its removal from Troppau, "that the powers have an undoubted right to take a hostile attitude in regard to those states in which the overthrow of the government may operate as an example."

There cannot, as I think, be conceived a more flagrant violation of public law, or national independence, than is contained in this declaration.

No matter what be the character of the government resisted; no matter with what weight the foot of the oppressor bears on the neck of the oppressed:

if he struggle, or if he complain, he sets a dangerous example of resistance,—and from that moment he becomes an object of hostility to the most powerful potentates of the earth. I want words to express my abhorrence of this abominable principle. I trust every enlightened man throughout the world will oppose it, and that especially, those who, like ourselves, are fortunately out of the reach of the bayonets that enforce it will proclaim their detestation of it, in a tone both loud and decisive. The avowed object of such declarations is to preserve the peace of the world. But by what means is it proposed to preserve this peace? Simply, by bringing the power of all governments to bear against all subjects. Here is to be established a sort of double, or treble, or quadruple, or, for aught I know, a quintuple allegiance. An offence against one king is to be an offence against all kings, and the power of all is to be put forth for the punishment of the offender. A right to interfere in extreme cases, in the case of contiguous states, and where imminent danger is threatened to one by what is transpiring in another, is not without precedent in modern times, upon what has been called the law of vicinage; and when confined to extreme cases, and limited to a certain extent, it may perhaps be defended upon principles of necessity and self-defence. But to maintain that sovereigns may go to war upon the subjects of another state to repress an example, is monstrous indeed. What is to be the limit to such a principle, or to the practice growing out of it? What, in any case, but sovereign pleasure is to decide whether the example be good or bad? And what, under the operation of such a rule, may be thought of our example? Why are we not as fair objects for the operation of the new principle, as any of those who may attempt to reform the condition of their government, on the other side of the Atlantic?

The ultimate effect of this alliance of sovereigns, for objects personal to themselves, or respecting only the permanence of their own power, must be the destruc-

tion of all just feeling, and all natural sympathy, between those who exercise the power of government and those who are subject to it. The old channels of mutual regard and confidence are to be dried up, or cut off. Obedience can now be expected no longer than it is enforced. Instead of relying on the affections of the governed, sovereigns are to rely on the affections and friendship of other sovereigns. There are, in short, no longer to be nations. Princes and people no longer are to unite for interests common to them both. There is to be an end of all patriotism, as a distinct national feeling. Society is to be divided horizontally; all sovereigns above, and all subjects below; the former coalescing for their own security, and for the more certain subjection of the undistinguished multitude beneath. This, sir, is no picture, drawn by imagination. I have hardly used language stronger than that in which the authors of this new system have commented on their own work. M. Chateaubriand, in his speech in the French Chamber of Deputies, in February last, declared, that he had a conference with the emperor of Russia at Verona, in which that august sovereign uttered sentiments which appeared to him so precious, that he immediately hastened home, and wrote them down while yet fresh in his recollection. "The emperor declared," said he, "that there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy: there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles upon which I founded the alliance; an occasion offered itself; the rising in Greece. Nothing certainly could occur more for my interests, for the interests of my people; nothing more acceptable to my country, than a religious war in Turkey: but I have thought I perceived in the troubles of the Morea, the sign of revolution, and I have held back. Providence has not put under my command eight hundred thousand soldiers, to satisfy my ambition, but to protect reli-

gion, morality and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted that kings may have public alliances to defend themselves against secret enemies."

These, sir, are the words which the French minister thought so important as that they deserved to be recorded; and I, too, sir, am of the same opinion. But, if it be true, that there is hereafter to be neither a Russian policy, nor a Prussian policy, nor an Austrian policy, nor a French policy, nor even, which yet I will not believe, an English policy, there will be, I trust in God, an American policy. If the authority of all these governments be hereafter to be mixed and blended, and to flow, in one augmented current of prerogative, over the face of Europe, sweeping away all resistance in its course, it will yet remain for us to secure our own happiness, by the preservation of our own principles, which I hope we shall have the manliness to express on all proper occasions, and the spirit to defend in every extremity. The end and scope of this amalgamated policy is neither more nor less than this: to interfere, by force, for any government, against any people who may resist it. Be the state of the people what it may, they shall not rise; be the government what it will, it shall not be opposed. The practical commentary has corresponded with the plain language of the text. Look at Spain, and at Greece. If men may not resist the Spanish inquisition, and the Turkish scimitar, what is there to which humanity must not submit? Stronger cases can never arise. Is it not proper for us, at all times—is it not our duty, at this time, to come forth, and deny and condemn these monstrous principles. Where, but here, and in one other place, are they likely to be resisted? They are advanced with equal coolness and boldness; and they are supported by immense power. The timid will shrink and give way—and many of the brave may be compelled to yield to force. Human liberty may yet, perhaps, be obliged to repose its principal hopes on

the intelligence and the vigor of the Saxon race. As far as depends on us, at least, I trust those hopes will not be disappointed; and that, to the extent which may consist with our own settled pacific policy, our opinions and sentiments may be brought to act, on the right side, and to the right end, on an occasion which is, in truth, nothing less than a momentous question between an intelligent age, full of knowledge, thirsting for improvement, and quickened by a thousand impulses, and the most arbitrary pretensions, sustained by unprecedented power.

This asserted right of forcible intervention, in the affairs of other nations, is in open violation of the public law of the world. Who has authorized these learned doctors of Troppau, to establish new articles in this code? Whence are their diplomas? Is the whole world expected to acquiesce in principles, which entirely subvert the independence of nations? On the basis of this independence has been reared the beautiful fabric of international law. On the principle of this independence, Europe has seen a family of nations, flourishing within its limits, the small among the large, protected not always by power, but by a principle above power, by a sense of propriety and justice. On this principle the great commonwealth of civilized states has been hitherto upheld. There have been occasional departures, or violations, and always disastrous, as in the case of Poland; but, in general, the harmony of the system has been wonderfully preserved. In the production and preservation of this sense of justice, this predominating principle, the Christian religion has acted a main part. Christianity and civilization have labored together; it seems, indeed, to be a law of our human condition, that they can live and flourish only together. From their blended influence has arisen that delightful spectacle of the prevalence of reason and principle, over power and interest, so well described by one who was an honor to the age—

“ And sovereign Law, the world’s collected will,  
O’er thrones and globes elate,  
Sits Empress—crowning good, repressing ill :  
Smit by her sacred frown,  
The fiend, Discretion, like a vapor, sinks,  
And e’en the all-dazzling crown  
Hides his faint rays, and at her bidding shrinks.”

But this vision is past. While the teachers of Laybach give the rule, there will be no law but the law of the strongest.

It may now be required of me to show what interest we have, in resisting this new system. What is it to us, it may be asked, upon what principles, or what pretences, the European governments assert a right of interfering in the affairs of their neighbors? The thunder, it may be said, rolls at a distance. The wide Atlantic is between us and danger; and, however others may suffer, we shall remain safe.

I think it a sufficient answer to this, to say, that we are one of the nations; that we have an interest, therefore, in the preservation of that system of national law and national intercourse, which has heretofore subsisted, so beneficially for all. Our system of government, it should also be remembered, is, throughout, founded on principles utterly hostile to the new code; and, if we remain undisturbed by its operation, we shall owe our security either to our situation or our spirit. The enterprising character of the age, our own active commercial spirit, the great increase which has taken place in the intercourse between civilized and commercial states, have necessarily connected us with the nations of the earth, and given us a high concern in the preservation of those salutary principles, upon which that intercourse is founded. We have as clear an interest in international law, as individuals have in the laws of society.

But, apart from the soundness of the policy, on the ground of direct interest, we have, sir, a duty, connected with this subject, which, I trust, we are willing to perform. What do we not owe to the cause of civil

and religious liberty? to the principle of lawful resistance? to the principle, that society has a right to partake in its own government? As the leading republic of the world, living and breathing in these principles, and advanced, by their operation, with unequalled rapidity, in our career, shall we give our consent to bring them into disrepute and disgrace? It is neither ostentation nor boasting to say, that there lie before this country, in immediate prospect, a great extent and height of power. We are borne along towards this, without effort, and not always even with a full knowledge of the rapidity of our own motion. Circumstances, which never combined before, have combined in our favor, and a mighty current is setting us forward, which we could not resist, even if we would, and which, while we would stop to make an observation, and take the sun, has set us, at the end of the operation, far in advance of the place where we commenced it. Does it not become us, then, is it not a duty imposed on us, to give our weight to the side of liberty and justice—to let mankind know that we are not tired of our own institutions—and to protest against the asserted power of altering, at pleasure, the law of the civilized world?

But, whatever we do, in this respect, it becomes us to do upon clear and consistent principles. There is an important topic in the message, to which I have yet hardly alluded. I mean the rumored combination of the European continental sovereigns, against the new established free states of South America. Whatever position this government may take on that subject, I trust it will be one which can be defended, on known and acknowledged grounds of right. The near approach, or the remote distance of danger, may affect policy, but cannot change principle. The same reason that would authorize us to protest against unwarrantable combinations to interfere between Spain and her former colonies, would authorize us equally to protest, if the same combination were directed against the smallest state in Europe, although our duty to

ourselves, our policy, and wisdom, might indicate very different courses, as fit to be pursued by us in the two cases. We shall not, I trust, act upon the notion of dividing the world with the Holy Alliance, and complain of nothing done by them in their hemisphere, if they will not interfere with ours. At least this would not be such a course of policy as I could recommend or support. We have not offended, and, I hope, we do not intend to offend, in regard to South America, against any principle of national independence or of public law. We have done nothing, we shall do nothing, that we need to hush up or to compromise, by forbearing to express our sympathy for the cause of the Greeks, or our opinion of the course which other governments have adopted in regard to them.

It may, in the next place, be asked, perhaps, supposing all this to be true, what can we do? Are we to go to war? Are we to interfere in the Greek cause, or any other European cause? Are we to endanger our pacific relations? No, certainly not? What, then, the question recurs, remains for us? If we will not endanger our own peace; if we will neither furnish armies, nor navies, to the cause which we think the just one, what is there within our power?

Sir, this reasoning mistakes the age. The time has been, indeed, when fleets, and armies, and subsidies, were the principal reliances even in the best cause. But, happily for mankind, there has come a great change in this respect. Moral causes come into consideration, in proportion as the progress of knowledge is advanced; and the public opinion of the civilized world is rapidly gaining an ascendancy over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression; and, as it grows more intelligent and more intense, it will be more and more formidable. It may be silenced by military power, but it cannot be conquered. It is elastic, irrepressible, and invulnerable to the weapons of ordinary warfare. It is that impas-



sable, unextinguishable enemy of mere violence and arbitrary rule, which, like Milton's angels,

"Vital in every part,  
'Cannot, but by annihilating, die.'"

Until this be propitiated or satisfied, it is vain for power to talk either of triumphs or of repose. No matter what fields are desolated, what fortresses surrendered, what armies subdued, or what provinces overrun. In the history of the year that has passed by us, and in the instance of unhappy Spain, we have seen the vanity of all triumphs, in a cause which violates the general sense of justice of the civilized world. It is nothing, that the troops of France have passed from the Pyrenees to Cadiz; it is nothing that an unhappy and prostrate nation has fallen before them; it is nothing that arrests, and confiscation, and execution, sweep away the little remnant of national resistance. There is an enemy that still exists to check the glory of these triumphs. It follows the conqueror back to the very scene of his ovations; it calls upon him to take notice that Europe, though silent, is yet indignant; it shows him that the sceptre of his victory is a barren sceptre; that it shall confer neither joy nor honor, but shall moulder to dry ashes in his grasp. In the midst of his exultation, it pierces his ear with the cry of injured justice, it denounces against him the indignation of an enlightened and civilized age; it turns to bitterness the cup of his rejoicing, and wounds him with the sting which belongs to the consciousness of having outraged the opinion of mankind.

In my own opinion, sir, the Spanish nation is now nearer, not only in point of time, but in point of circumstance, to the acquisition of a regulated government, than at the moment of the French invasion. Nations must, no doubt, undergo these trials in their progress to the establishment of free institutions. The very trials benefit them, and render them more capable

both of obtaining and of enjoying the object which they seek.

I shall not detain the committee, sir, by laying before it any statistical, geographical, or commercial account of Greece. I have no knowledge on these subjects, which is not common to all. It is universally admitted, that, within the last thirty or forty years, the condition of Greece has been greatly improved. Her marine is at present respectable, containing the best sailors in the Mediterranean, better even, in that sea, than our own, as more accustomed to the long quarantines, and other regulations which prevail in its ports. The number of her seamen has been estimated as high as fifty thousand, but I suppose that estimate must be much too large. They have probably one hundred and fifty thousand tons of shipping. It is not easy to state an accurate account of Grecian population. The Turkish government does not trouble itself with any of the calculations of political economy, and there has never been such a thing as an accurate census, probably, in any part of the Turkish empire. In the absence of all official information, private opinions widely differ. By the tables which have been communicated, it would seem that there are two million, four hundred thousand Greeks in Greece proper and the Islands; an amount, as I am inclined to think, somewhat overrated. There are, probably, in the whole of European Turkey, five millions of Greeks, and two millions more in the Asiatic dominions of that power. The moral and intellectual progress of this numerous population, under the horrible oppression which crushes it, has been such as may well excite regard. Slaves, under barbarous masters, the Greeks have still aspired after the blessings of knowledge and civilization. Before the breaking out of the present revolution, they had established schools, and colleges, and libraries and the press. Wherever, as in Scio, owing to particular circumstances, the weight of oppression was mitigated, the natural vivacity of the Greeks, and their aptitude for the arts, were

discovered. Though certainly not on an equality with the civilized and Christian states of Europe, (and how is it possible under such oppression as they endured that they should be?) they yet furnished a striking contrast with their Tartar masters. It has been well said, that it is not easy to form a just conception of the nature of the despotism exercised over them. Conquest and subjugation, as used among European states, are inadequate modes of expression by which to denote the dominion of the Turks. A conquest, in the civilized world, is generally no more than an acquisition of a new part to the conquering country. It does not imply a never-ending bondage imposed upon the conquered, a perpetual mark, and opprobrious distinction between them and their masters; a bitter and unending persecution of their religion; an habitual violation of their rights of person and property, and the unrestrained indulgence towards them, of every passion which belongs to the character of a barbarous soldiery. Yet, such is the state of Greece. The Ottoman power over them, obtained originally by the sword, is constantly preserved by the same means. Wherever it exists, it is a mere military power. The religious and civil code of the state, being both fixed in the Alcoran, and equally the object of an ignorant and furious faith, have been found equally incapable of change. "The Turk," it has been said, "has been encamped in Europe for four centuries." He has hardly any more participation in European manners, knowledge and arts, than when he crossed the Bosphorus. But this is not the worst of it. The power of the empire is fallen into anarchy, and as the principle which belongs to the head belongs also to the parts, there are as many despots as there are pachas, beys and visiers. Wars are almost perpetual, between the sultan and some rebellious governor of a province; and in the conflict of these despotisms, the people are necessarily ground between the upper and the nether millstone. In short, the Christian subjects of the sublime Porte, feel daily all the miseries which flow from despotism, from anar-

chy, from slavery and from religious persecution. If any thing yet remains to heighten such a picture, let it be added, that every office in the government is not only actually, but professedly, venal;—the pachalics, the visierates, the cadiships, and whatsoever other denomination may denote the depository of power. In the whole world, sir, there is no such oppression felt, as by the Christian Greeks. In various parts of India, to be sure, the government is bad enough; but then it is the government of barbarians over barbarians, and the feeling of oppression is, of course, not so keen. There the oppressed are perhaps not better than their oppressors; but in the case of Greece, there are millions of Christian men, not without knowledge, not without refinement, not without a strong thirst for all the pleasures of civilized life, trampled into the very earth, century after century, by a pillaging, savage, relentless soldiery. Sir, the case is unique. There exists, and has existed, nothing like it. The world has no such misery to show; there is no case in which Christian communities can be called upon, with such emphasis of appeal.

But I have said enough, Mr. Chairman, indeed I need have said nothing, to satisfy the House, that it must be some new combination of circumstances, or new views of policy in the cabinets of Europe, which have caused this interesting struggle not merely to be regarded with indifference, but to be marked with opprobrium. The very statement of the case, as a contest between the Turks and Greeks, sufficiently indicates what must be the feeling of every individual, and every government, that is not biassed by a particular interest, or a particular feeling, to disregard the dictates of justice and humanity.

And now, sir, what has been the conduct pursued by the Allied Powers, in regard to this contest? When the revolution broke out, the sovereigns were in Congress at Laybach; and the papers of that assembly sufficiently manifest their sentiments. They proclaimed their abhorrence of those “criminal combina-

tions which had been formed in the eastern parts of Europe;" and, although it is possible that this denunciation was aimed, more particularly, at the disturbances in the provinces of Wallachia and Moldavia, yet no exception is made, from its general terms, in favor of those events in Greece, which were properly the commencement of her revolution, and which could not but be well known at Laybach, before the date of these declarations. Now it must be remembered, that Russia was a leading party in this denunciation of the efforts of the Greeks to achieve their liberation; and it cannot but be expected by Russia that the world shall also remember what part she herself has heretofore acted, in the same concern. It is notorious, that within the last half century she has again and again, excited the Greeks to rebellion against the Porte, and that she has constantly kept alive in them the hope that she would, one day, by her own great power, break the yoke of their oppressor. Indeed, the earnest attention with which Russia has regarded Greece, goes much further back than to the time I have mentioned. Ivan the third, in 1482, having espoused a Grecian princess, heiress of the last Greek emperor, discarded St. George from the Russian arms, and adopted in its stead the Greek two-headed black eagle, which has continued in the Russian arms to the present day. In virtue of the same marriage, the Russian princes claimed the Greek throne as their inheritance.

Under Peter the Great, the policy of Russia developed itself more fully. In 1696, he rendered himself master of Azoph, and in 1698, obtained the right to pass the Dardanelles, and to maintain, by that route, commercial intercourse with the Mediterranean. He had emissaries throughout Greece, and particularly applied himself to gain the clergy. He adopted the *Labarum* of Constantine, "*In hoc signo vinces*;" and medals were struck, with the inscription, "*Petrus I. Russo-Græcorum Imperator*." In whatever new direction the principles of the Holy Alliance may now lead the politics of Russia, or whatever course she may

suppose Christianity now prescribes to her, in regard to the Greek cause, the time has been when she professed to be contending for that cause, as identified with Christianity. The white banner, under which the soldiers of Peter the First usually fought, bore, as its inscription, "In the name of the prince, and for our country." Relying on the aid of the Greeks, in his war with the Porte, he changed the white flag to red, and displayed on it the words, "In the name of God, and for Christianity." The unfortunate issue of this war is well known. Though Anne and Elizabeth, the successors of Peter, did not possess his active character, they kept up a constant communication with Greece, and held out hopes of restoring the Greek empire. Catharine the Second, as is well known, excited a general revolt in 1769. A Russian fleet appeared in the Mediterranean, and a Russian army was landed in the Morea. The Greeks in the end were disgusted by being required to take an oath of allegiance to Russia, and the empress was disgusted because they refused to take it. In 1774, peace was signed between Russia and the Porte, and the Greeks of the Morea were left to their fate. By this treaty the Porte acknowledged the independence of the khan of the Crimea; a preliminary step to the acquisition of that country by Russia. It is not unworthy of remark, as a circumstance which distinguished this from most other diplomatic transactions, that it conceded the right to the cabinet of St. Petersburg, of intervention in the interior affairs of Turkey, in regard to whatever concerned the religion of the Greeks. The cruelties and massacres that happened to the Greeks after the peace between Russia and the Porte, notwithstanding the general pardon which had been stipulated for them, need not now to be recited. Instead of retracing the deplorable picture, it is enough to say, that in this respect the past is justly reflected in the present. The empress soon after invaded and conquered the Crimea, and on one of the gates of Kerson, its capital, caused to be inscribed, "The road

to Byzantium." The present emperor, on his accession to the throne, manifested an intention to adopt the policy of Catharine II. as his own, and the world has not been right, in all its suspicions, if a project for the partition of Turkey did not form a part of the negotiations of Napoleon and Alexander at Tilsit.

All this course of policy seems suddenly to be changed. Turkey is no longer regarded, it would appear, as an object of partition or acquisition, and Greek revolts have, all at once, become, according to the declaration of Laybach, "criminal combinations." The recent Congress at Verona exceeded its predecessor at Laybach, in its denunciations of the Greek struggle. In the circular of the 14th of December, 1822, it declared the Grecian resistance to the Turkish power to be rash and culpable, and lamented that "the firebrand of rebellion had been thrown into the Ottoman empire." This rebuke and crimination, we know to have proceeded on those settled principles of conduct, which the continental powers had prescribed for themselves. The sovereigns saw, as well as others, the real condition of the Greeks; they knew, as well as others, that it was most natural and most justifiable, that they should endeavor, at whatever hazard, to change that condition. They knew, that they, themselves, or at least one of them, had more than once urged the Greeks to similar efforts; that they, themselves, had thrown the same firebrand into the midst of the Ottoman empire. And yet, so much does it seem to be their fixed object to discountenance whatsoever threatens to disturb the actual government of any country, that, Christians as they were, and allied as they professed to be, for purposes most important to human happiness and religion, they have not hesitated to declare to the world, that they have wholly forborne to exercise any compassion to the Greeks, simply because they thought that they saw, in the struggles of the Morea, the sign of revolution. This, then, is coming to a plain, practical result. The

Grecian revolution has been discouraged, discountenanced, and denounced, for no reason but because it is a revolution. Independent of all inquiry into the reasonableness of its causes, or the enormity of the oppression which produced it; regardless of the peculiar claims which Greece possesses upon the civilized world; and regardless of what has been their own conduct towards her for a century; regardless of the interest of the Christian religion, the sovereigns at Verona seized upon the case of the Greek revolution, as one above all others calculated to illustrate the fixed principles of their policy. The abominable rule of the Porte on one side, the valor and the sufferings of the Christian Greeks on the other, furnished a case likely to convince even an incredulous world of the sincerity of the professions of the Allied Powers. They embraced the occasion, with apparent ardor; and the world, I trust, is satisfied.

We see here, Mr. Chairman, the direct and actual application of that system which I have attempted to describe. We see it in the very case of Greece. We learn, authentically and indisputably, that the Allied Powers, holding that all changes in legislation and administration ought to proceed from kings alone, were wholly inexorable to the sufferings of the Greeks, and wholly hostile to their success. Now it is upon this practical result of the principle of the continental powers, that I wish this House to intimate its opinion. The great question is a question of principle. Greece is only the signal instance of the application of that principle. If the principle be right, if we esteem it conformable to the law of nations, if we have nothing to say against it, or if we deem ourselves unfit to express an opinion on the subject, then, of course, no resolution ought to pass. If, on the other hand, we see in the declarations of the Allied Powers, principles not only utterly hostile to our own free institutions, but hostile also to the independence of all nations, and altogether opposed to the improvement of the condition of human nature; if, in the instance before us, we see a



most striking exposition and application of those principles, and if we deem our own opinions to be entitled to any weight in the estimation of mankind; then, I think, it is our duty to adopt some such measure as the proposed resolution.

It is worthy of observation, sir, that as early as July, 1821, baron Strogonoff, the Russian minister at Constantinople, represented to the Porte, that, if the undistinguished massacres of the Greeks, both of such as were in open resistance, and of those who remained patient in their submission, were continued, and should become a settled habit, they would give just cause of war against the Porte to all Christian states. This was in 1821. It was followed, early in the next year, by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio; a scene I shall not attempt to describe; a scene from which human nature shrinks shuddering away; a scene having hardly a parallel in the history of fallen man. This scene, too, was quickly followed by the massacres in Cyprus; and all these things were perfectly known to the Christian powers assembled at Verona. Yet these powers, instead of acting upon the case supposed by baron Strogonoff, and which, one would think, had been then fully made out; instead of being moved by any compassion for the sufferings of the Greeks, these powers, these Christian powers, rebuke their gallantry, and insult their sufferings, by accusing them of "throwing a firebrand into the Ottoman empire."

Such, sir, appear to me to be the principles on which the continental powers of Europe have agreed hereafter to act; and this, an eminent instance of the application of those principles.

I shall not detain the committee, Mr. Chairman, by any attempt to recite the events of the Greek struggle, up to the present time. Its origin may be found, doubtless, in that improved state of knowledge, which, for some years, has been gradually taking place in that country. The emancipation of the Greeks has been a

subject frequently discussed in modern times. They themselves are represented as having a vivid remembrance of the distinction of their ancestors, not unmixed with an indignant feeling, that civilized and Christian Europe should not, ere now, have aided them in breaking their intolerable fetters.

In 1816, a society was founded in Vienna, for the encouragement of Grecian literature. It was connected with a similar institution at Athens, and another in Thessaly, called the "Gymnasium of Mount Pelion." The treasury and general office of the institution was established at Munich. No political object was avowed by these institutions, probably none contemplated. Still, however, they have, no doubt, had their effect in hastening that condition of things in which the Greeks felt competent to the establishment of their independence. Many young men have been, for years, annually sent to the universities in the western states of Europe, for their education; and, after the general pacification of Europe, many military men, discharged from other employment, were ready to enter even into so unpromising a service as that of the revolutionary Greeks.

In 1820, war commenced between the Porte and Ali, the well known pacha of Albania. Differences existed also with Persia, and with Russia. In this state of things, at the beginning of 1821, an insurrection appears to have broken out in Moldavia, under the direction of Alexander Ypsilanti, a well educated soldier, who had been major-general in the Russian service. From his character, and the number of those who seemed disposed to join him, he was supposed to be countenanced by the court of St. Petersburg. This, however, was a great mistake, which the emperor, then at Laybach, took an early opportunity to rectify. The Porte, it would seem, however, alarmed at these occurrences in the northern provinces, caused search to be made of all vessels entering the Black Sea, lest arms or other military means should be sent in that manner to the insurgents. This proved inconvenient to the commerce of Russia, and caus-

ed some unsatisfactory correspondence between the two powers. It may be worthy of remark, as an exhibition of national character, that, agitated by these appearances of intestine commotion, the sultan issued a proclamation, calling on all true musselmans to renounce the pleasures of social life, to prepare arms and horses, and to return to the manner of their ancestors, the life of the plains. The Turk seems to have thought that he had, at last, caught something of the dangerous contagion of European civilization, and that it was necessary to reform his habits, by recurring to the original manners of military, roving barbarians.

It was about this time, that is to say, at the commencement of 1821, that the revolution burst out in various parts of Greece and the Isles. Circumstances, certainly, were not unfavorable, as one portion of the Turkish army was employed in the war against Ali Pacha in Albania, and another part in the provinces north of the Danube. The Greeks soon possessed themselves of the open country of the Morea, and drove their enemy into the fortresses. Of these, that of Tripolitza, with the city, fell into the hands of the Greeks, in the course of the summer. Having, after these first movements, obtained time to breathe, it became, of course, an early object to establish a government. For this purpose delegates of the people assembled, under that name which describes the assembly in which we ourselves sit, that name which "freed the Atlantic," a Congress. A writer, who undertakes to render to the civilized world that service which was once performed by Edmund Burke, I mean the compiler of the English Annual Register, asks, by what authority this assembly could call itself a Congress. Simply, 'sir, by the same authority, by which the people of the United States have given the same name to their own legislature. We, at least, should be naturally inclined to think, not only as far as names, but things also, are concerned, that the Greeks could hardly have begun their revolution under better aus-

pices; since they have endeavored to render applicable to themselves the general principles of our form of government, as well as its name. This constitution went into operation at the commencement of the next year. In the mean time, the war with Ali Pacha was ended, he having surrendered, and being afterwards assassinated, by an instance of treachery and perfidy, which, if it had happened elsewhere than under the government of the Turks, would have deserved notice. The negotiation with Russia, too, took a turn unfavorable to the Greeks. The great point upon which Russia insisted, beside the abandonment of the measure of searching vessels bound to the Black Sea, was, that the Porte should withdraw its armies from the neighborhood of the Russian frontiers; and the immediate consequence of this, when effected, was to add so much more to the disposable force, ready to be employed against the Greeks. These events seemed to have left the whole force of the empire, at the commencement of 1822, in a condition to be employed against the Greek rebellion; and, accordingly, very many anticipated the immediate destruction of their cause. The event, however, was ordered otherwise. Where the greatest effort was made, it was met and defeated. Entering the Morea with an army which seemed capable of bearing down all resistance, the Turks were nevertheless defeated and driven back, and pursued beyond the isthmus, within which, as far as it appears, from that time to the present, they have not been able to set their foot.

It was in April, of this year, that the destruction of Scio took place. That island, a sort of appanage of the Sultana mother, enjoyed many privileges peculiar to itself. In a population of one hundred and thirty thousand or one hundred and forty thousand, it had no more than two thousand or three thousand Turks; indeed, by some accounts, not near as many. The absence of these ruffian masters, had, in some degree, allowed opportunity for the promotion of knowledge, the accumulation of wealth, and the general cultiva-

tion of society. Here was the seat of the modern Greek literature; here were libraries, printing presses, and other establishments, which indicate some advancement in refinement and knowledge. Certain of the inhabitants of Samos, it would seem, envious of this comparative happiness of Scio, landed upon the island, in an irregular multitude, for the purpose of compelling its inhabitants to make common cause with their countrymen against their oppressors. These, being joined by the peasantry, marched to the city, and drove the Turks into the castle. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighboring seas, and learning these events, landed a force on the island of fifteen thousand men. There was nothing to resist such an army. These troops immediately entered the city, and began an indiscriminate massacre. The city was fired; and, in four days, the fire and the sword of the Turk, rendered the beautiful Scio a clotted mass of blood and ashes. The details are too shocking to be recited. Forty thousand women and children, unhappily saved from the general destruction, were afterwards sold in the market of Smyrna, and sent off into distant and hopeless servitude. Even on the wharves of our own cities, it has been said, have been sold the utensils of those hearths which now exist no longer. Of the whole population which I have mentioned, not above nine hundred persons were left living upon the island. I will only repeat, sir, that these tragical scenes were as fully known at the Congress of Verona, as they are now known to us; and it is not too much to call on the powers that constituted that Congress, in the name of conscience, and in the name of humanity, to tell us, if there be nothing even in these unparalleled excesses of Turkish barbarity, to excite a sentiment of compassion; nothing which they regard as so objectionable as even the very idea of popular resistance to power.

The events of the year which has just passed by, as far as they have become known to us, have been even

more favorable to the Greeks, than those of the year preceding. I omit all details, as being as well known to others as to myself. Suffice it to say, that with no other enemy to contend with, and no diversion of his force to other objects, the Porte has not been able to carry the war into the Morea; and that, by the last accounts, its armies were acting defensively in Thessaly. I pass over also the naval engagements of the Greeks, although that is a mode of warfare in which they are calculated to excel, and in which they have already performed actions of such distinguished skill and bravery, as would draw applause upon the best mariners in the world. The present state of the war would seem to be, that the Greeks possess the whole of the Morea, with the exception of the three fortresses of Patras, Coron and Modon; all Candia, but one fortress; and most of the other islands. They possess the citadel of Athens, Missolonghi and several other places in Livadia. They have been able to act on the offensive and to carry the war beyond the isthmus. There is no reason to believe their marine is weakened; probably, on the other hand, it is strengthened. But, what is most of all important, they have obtained time and experience. They have awakened a sympathy throughout Europe and throughout America; and they have formed a government which seems suited to the emergency of their condition.

Sir, they have done much. It would be great injustice to compare their achievements with our own. We began our revolution, already possessed of government, and, comparatively, of civil liberty. Our ancestors had, for centuries, been accustomed in a great measure to govern themselves. They were well acquainted with popular elections and legislative assemblies, and the general principles and practice of free governments. They had little else to do than to throw off the paramount authority of the parent state. Enough was still left, both of law and of organization, to conduct society in its accustomed course, and to unite men together for a common object. The

Greeks, of course, could act with little concert at the beginning; they were unaccustomed to the exercise of power, without experience, with limited knowledge, without aid, and surrounded by nations, which, whatever claims the Greeks might seem to have had upon them, have afforded them nothing but discouragement and reproach. They have held out, however, for three campaigns; and that, at least, is something. Constantinople and the northern provinces have sent forth thousands of troops; they have been defeated. Tripoli, and Algiers, and Egypt, have contributed their marine contingents; they have not kept the ocean. Hordes of Tartars have crossed the Bosphorus; they have died where the Persians died. The powerful monarchies in the neighborhood have denounced their cause, and admonished them to abandon it, and submit to their fate. They have answered them, that, although two hundred thousand of their countrymen have offered up their lives, there yet remain lives to offer; and that it is the determination of all, "yes, of ALL," to persevere until they shall have established their liberty, or until the power of their oppressors shall have relieved them from the burden of existence.

It may now be asked, perhaps, whether the expression of our own sympathy, and that of the country, may do them good? I hope it may. It may give them courage and spirit, it may assure them of public regard, teach them that they are not wholly forgotten by the civilized world, and inspire them with constancy in the pursuit of their great end. At any rate, sir, it appears to me, that the measure which I have proposed is due to our own character, and called for by our own duty. When we shall have discharged that duty, we may leave the rest to the disposition of Providence.

I do not see how it can be doubted, that this measure is entirely pacific. I profess my inability to perceive that it has any possible tendency to involve our neutral relations. If the resolution pass, it is not ne-

cessarily, to be immediately acted on. It will not be acted on at all, unless, in the opinion of the President, a proper and safe occasion for acting upon it shall arise. If we adopt the resolution to-day, our relations with every foreign state will be to-morrow precisely what they now are. The resolution will be sufficient to express our sentiments on the subjects to which I have adverted. Useful to that purpose, it can be mischievous to no purpose. If the topic were properly introduced into the message, it cannot be improperly introduced into discussion in this House. If it were proper, which no one doubts, for the President to express his opinions upon it, it cannot, I think, be improper for us to express ours. The only certain effect of this resolution is to express, in a form usual in bodies constituted like this, our approbation of the general sentiment of the message. Do we wish to withhold that approbation? The resolution confers on the President no new power, nor does it enjoin on him the exercise of any new duty; nor does it hasten him in the discharge of any existing duty.

I cannot imagine that this resolution can add any thing to those excitements which it has been supposed, I think very causelessly, might possibly provoke the Turkish government to acts of hostility. There is already the message, expressing the hope of success to the Greeks, and disaster to the Turks, in a much stronger manner than is to be implied from the terms of this resolution. There is the correspondence between the secretary of state and the Greek agent in London, already made public, in which similar wishes are expressed, and a continuance of the correspondence apparently invited. I might add to this, the unexampled burst of feeling which this cause has called forth from all classes of society, and the notorious fact of pecuniary contributions made throughout the country for its aid and advancement. After all this, whoever can see cause of danger to our pacific relations from the adoption of this resolution, has a keener vision than I can pretend to. Sir, there is no aug-



mented danger; there is no danger. The question comes at last to this, whether, on a subject of this sort, this House holds an opinion which is worthy to be expressed?

Even suppose, sir, an agent or commissioner were to be immediately sent—a measure which I myself believe to be the proper one—there is no breach of neutrality, nor any just cause of offence. Such an agent, of course, would not be accredited; he would not be a public minister. The object would be inquiry and information; inquiry, which we have a right to make; information, which we are interested to possess. If a dismemberment of the Turkish empire be taking place, or has already taken place; if a new state be rising, or be already risen, in the Mediterranean, who can doubt, that, without any breach of neutrality, we may inform ourselves of these events, for the government of our own concerns?

The Greeks have declared the Turkish coasts in a state of blockade; may we not inform ourselves whether this blockade be nominal or real? and, of course, whether it shall be regarded or disregarded? The greater our trade may happen to be with Smyrna, a consideration which seems to have alarmed some gentlemen, the greater is the reason, in my opinion, why we should seek to be accurately informed of those events which may affect its safety.

It seems to me impossible, therefore, for any reasonable man to imagine, that this resolution can expose us to the resentment of the sublime Porte.

As little reason is there for fearing its consequences upon the conduct of the Allied Powers. They may, very naturally, dislike our sentiments upon the subject of the Greek revolution; but what those sentiments are, they will much more explicitly learn in the President's message than in this resolution. They might, indeed, prefer that we should express no dissent upon the doctrines which they have avowed, and the application which they have made of those doctrines to the case of Greece. But I trust we are not disposed to

leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion, an interference; in which respect they are right, as the expression of opinion, in such cases, is not such an interference as would justify the Greeks in considering the powers as at war with them. For the same reason, any expression which we may make, of different principles and different sympathies, is no interference. No one would call the President's message an interference; and yet it is much stronger, in that respect, than this resolution. If either of them could be construed to be an interference, no doubt it would be improper, at least it would be so, according to my view of the subject; for the very thing which I have attempted to resist in the course of these observations, is the right of foreign interference. But neither the message nor the resolution has that character. There is not a power in Europe that can suppose, that, in expressing our opinions on this occasion, we are governed by any desire of aggrandizing ourselves, or of injuring others. We do no more than to maintain those established principles, in which we have an interest in common with other nations, and to resist the introduction of new principles and new rules, calculated to destroy the relative independence of states, and particularly hostile to the whole fabric of our own government.

I close, then, sir, with repeating, that the object of this resolution is, to avail ourselves of the interesting occasion of the Greek revolution, to make our protest against the doctrines of the Allied Powers; both as they are laid down in principle, and as they are applied in practice.

I think it right too, sir, not to be unseasonable in the expression of our regard, and, as far as that goes, in a ministration of our consolation, to a long oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and when the crisis should be past, overwhelm the

rescued sufferer with kindness and caresses. The Greeks address the civilized world with a pathos, not easy to be resisted. They invoke our favor by more moving considerations than can well belong to the condition of any other people. They stretch out their arms to the Christian communities of the earth, beseeching them, by a generous recollection of their ancestors, by the consideration of their own desolated and ruined cities and villages, by their wives and children, sold into an accursed slavery, by their own blood, which they seem willing to pour out like water, by the common faith, and in the Name, which unites all Christians, that they would extend to them, at least some token of compassionate regard.

## **SPEECH OF HENRY CLAY,**

**ON**

**A BILL PROPOSING TO INCREASE THE DUTIES ON VARIOUS ARTICLES IMPORTED FROM FOREIGN COUNTRIES;**

**DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, MARCH 30, AND 31, 1824.**



**MR. CHAIRMAN.**

THE gentleman from Virginia, (Mr. Barbour,) has embraced the occasion produced by the proposition of the gentleman from Tennessee, to strike out the minimum price, in the bill, on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say, that he has evinced his usual good temper, ability and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility. And, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously

and fervently implore His Divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home, as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may, under any modification, be safely relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics, as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain and ultimately a cheaper and better, supply of our own wants, from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations, as well as our own, as our truest and most unerring guide.

In casting our eyes around us, the most prominent

circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts, of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn-yards, for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty *per cent.* within a few years. This distress pervades every part of the union, every class of society. All feel it, though it may be felt at different places in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places it has burst upon our people, without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemption; but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to

have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady and undimmed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only, nor, perhaps, the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force, at the same time, upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that no less appalling, of the dearest objects of his affection. What is the cause of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years at least, have been practising the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the cause of the un-

happy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this government, we have shaped our industry, our navigation and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe, has been the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion, to any thing like the same extent as that which she had during her wars, for American commerce, American navigation, the produce of American industry. Europe in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us, has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial, labor. The further effect of this twofold reduction has been to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty *per cent.* And the still further effect has been to diminish the amount of our circulating medium, in a proportion not less, by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation, that has but little wealth, has but a limited want of money. In stating



the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about *fifty per cent.* we shall at once fully comprehend the inevitable reduction, which must have ensued, in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But, in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth, and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property, on which, in good faith, they had bound themselves. But that property, without their fault, possesses no longer the same value; and hence discontent, impoverishment and ruin arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions—such a state of war as existed in her greatest exertions and in our greatest prosperity: instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor, which now prevails in our cities, and in our seaports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Every where we should witness excited industry. The precious metals would re-flow from abroad upon us. Banks, which have maintained their credit, would revive their business; and new banks would be established, to take the place of those which have sunk beneath the general pressure.\* For it is a mistake to suppose that they have produced our present

adversity; they may have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored; and those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both; but it must exist somewhere, if society prospers; and wherever it does exist it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill, under consideration, is to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partizans of the foreign policy (terms which I shall use without any invidious intent,) to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? First, foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population, at the rate of about four *per cent. per annum*. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have of surplus produce, four *per cent.* more than that of the preceding year, without taking

into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four *per cent. per annum*, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population; so the measure of their power of consumption must be determined by that of the increase of their population. Now the total foreign population who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, secondly, if they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and under that limitation we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the states of Europe do not inquire what is best for us, but what suits themselves respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar inter-

ests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours which their restricted policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British parliament have made; what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn law, by which British consumption is limited to the bread-stuffs of British production, to the entire exclusion of American, and stated that America could not and would not buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign powers, then, forbid us to rely upon the foreign market as being an adequate vent for the surplus produce of American labor. Now let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon, as furnishing an adequate demand for our surplus produce, then the official documents will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that for a long term of past years some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market.

[Mr. Clay here gave a detail of facts, relative to our exports of domestic produce for a series of years, from which it appeared that in most articles, the increase of the export had, by no means, kept pace with the increase of our population; that the article of

cotton alone, had proportionably advanced, but that its value had recently very much diminished. He observed, that the articles of cotton, rice and tobacco, constituted in value, more than one half of all the exports of domestic produce in 1823, and that the portion of our population, engaged in the culture of these articles, was less than one fifth of the whole population of the United States.]

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The value of our exports, for the future, may remain at about what it was last year. But, if we do not create some new market; if we persevere in the existing pursuits of agriculture, the inevitable consequence must be, to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton-growing country. The cultivation will be greatly extended, the aggregate amount, annually produced, will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned: and I have no doubt that, in a few years, it will cease to be profitably produced, anywhere north of the 34th degree of latitude. But, in the mean time, large numbers of the cotton-growers will suffer the greatest distress. And whilst this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions

our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper; and the consumption in his own country, and in foreign nations, other than ours, (where the value of the import must be limited to the value of the export, which I have supposed to remain the same,) being proportionally extended, there will be consequently an increased demand for the produce of his industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming and grazing. Can we do nothing to invigorate it; nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen, that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing the foreign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done, by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society—the learned professions—commerce—agri-

culture, are now overflowing. We stand in each other's way. Hence the want of employment. Hence the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places, before the vacancies existed. The pulse of incumbents, who happen to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion, in this unfortunate city, became indisposed some weeks ago. The first intelligence, which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth, by all that this new business would create, but we should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments, which, in that respect, the happier constitution of our government does not tolerate but in a very limited degree. The peace establishments of our army and our navy, are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprize of our citizens, in public employments, is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our

necessary wants. If we cannot sell, we cannot buy. That portion of our population, (and we have seen that it is not less than four fifths,) which makes, comparatively, nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports supplied by the planting interest. They may enable the planting interest to supply all its wants, but they bring no ability to the interests not planting; unless, which cannot be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it was sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; because it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, first, from its steadiness and comparative certainty at all times; second, from the creation of reciprocal interests; third, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, (and consequently of comfort,) from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the protection of our own legislation against the inevitable prostration of our industry, which must ensue from the action of foreign policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad in fabricating, for our consumption, those articles, of which, by the operation of this bill, a supply is intend-



ed to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about nine hundred thousand barrels, besides a proportionate quantity of beef, and pork, and other articles of subsistence. But nine hundred thousand barrels of flour exceeds the entire quantity exported last year, by nearly one hundred and fifty thousand barrels. What activity would not this give, what cheerfulness would it not communicate, to our now dispirited farming interest! But if, instead of these five hundred thousand artisans emigrating from abroad, we give by this bill employment to an equal number of our own citizens now engaged in unprofitable agriculture, or idle, from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be

nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication, for our own consumption, from Europe to America? All that those parts, if any there be, which will not or cannot engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the union, that can manufacture, far from having on that account any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, and is indispensably necessary, to the prosperity of the common family.

The great desideratum in political economy, is the same as in private pursuits; that is, what is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth; but it is not natural labor only. And the fundamental error of the gentleman from Virginia, and of the school to which he belongs, in deducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor, and the price of wages were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfection of machinery, that, in analyzing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly Asia, in consequence of the density of her population, and the consequent lowness of wages, laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people, the rich treasures, produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of

that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor, of the nation, to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the three kingdoms is twenty-one million, five hundred thousand. Supposing that, to furnish able-bodied labor to the amount of four millions, the natural labor will be but two *per cent.* of the artificial labor. In the production of wealth she operates, therefore, by a power (including the whole population) of two hundred and twenty-one million, five hundred thousand; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of ten millions of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population) of twenty million. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her standing, unaided and alone, and breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and finally contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever-memorable field of Waterloo! The British works, which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperi-

ty, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the United Kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions from the purses of the people. After the close of the war, ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, everywhere the same, always unwillingly surrenders any of those circumstances, which display its pomp and exhibit its greatness. Cotemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the income tax. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone (collected under twenty-five different heads) amounted to twenty-eight millions, more than one half of the total revenue of the kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

[Mr. Clay here adverted to the flourishing state of English commerce and the immense increase of her exports and imports since 1789. He described the condition of her cotton and woollen manufactures as

an illustration of the true nature of the sources of her riches; and also of her silk manufacture as affording an instance of the success of her restrictive policy. To illustrate the power and wealth of Great Britain he drew a comparison of her population and revenue with those of several other countries, from which it appeared that the taxation *per capita* of the inhabitants of Great Britain far exceeded that of the inhabitants of Russia in Europe, France, Spain or the United States, and that the annual revenue of Great Britain was much greater than that of any of the above-mentioned countries. He then proceeded.]

The amount of the contributions which she draws from the pockets of her subjects, is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their greater wealth, may be easier borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise governments should be, by sound legislation, so to protect the industry of their own citizens against the policy of foreign powers, as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently greater ability to pay their public burdens. If their taxation is estimated by their natural labor alone, nominally it is greater than the taxation of the subjects of any other power. But if on a scale of their national and artificial labor compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the United Kingdom to be what I have already stated, two hundred and twenty-one million, five hundred thousand, the actual taxes paid by a British subject are only about

three and seven pence sterling. Estimating our own taxes, on a similar scale,—that is, supposing both descriptions of labor to be equal to that of twenty millions of able-bodied persons,—the amount of tax paid by each soul in the United States is four and six pence sterling.

The committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and abandons the care of its own industry, leaving it exposed to the action of foreign powers. Great Britain protects most her industry, and the wealth of Great Britain is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland, disinherited, or rendered in her industry subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity, which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen, that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other states. What is our own condition? Depending upon the state of foreign powers—

confiding exclusively in a foreign, to the culpable neglect of a domestic policy—our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain—and all our interests, stationary or declining. Peace brings to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace, on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly provided for, and yet that its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes, depends upon their wealth or poverty. If the system of their rulers leads to their impoverishment, they can contribute but little to the necessities of the state; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous as British taxation appears to be, in comparison with that of other nations, but really lighter, as it in fact is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity.

[Here Mr. Clay read certain passages from Holt, showing that, in 1822, there was not a solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most

burdensome, and that the prosecutions for violations of the excise laws, in all its numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the committee will agree with me in thinking that it is the solemn duty of government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the government? Are we doomed to behold our industry languish and decay, yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine American system. We must naturalize the arts in our country; and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual; by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed—a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people—if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levelled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.



It has been treated as an imposition of burdens upon one part of the community by design, for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But, is that a fair representation of it? No man pays the duty, assessed on the foreign article, by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common benefit of all. Consumption has four objects of choice. First, it may abstain from the use of the foreign article, and thus avoid the payment of the tax. Second, it may employ the rival American fabric. Third, it may engage in the business of manufacturing, which this bill is designed to foster. Fourth, it may supply itself from the household manufactures. But it is said, by the honorable gentleman from Virginia, that the South, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now I do not agree in that opinion, to the extent in which it is asserted. The circumstance, alluded to, may disqualify the South from engaging, in every branch of manufacture, as largely as other quarters of the union, but to some branches of it, that part of our population is well adapted. It indisputably affords great facility in the household or domestic line. But, if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The wellbeing of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interest of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect, would be to make us the slaves of slaves. I went, with great pleasure.

along with my southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of Congress, over that delicate subject, because it was my solemn conviction, that Congress was interdicted, or at least not authorized, by the constitution, to exercise any such legislative power. And I am sure that the patriotism of the South may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But does not a perseverance in the foreign policy, as it now exists in fact, make all parts of the union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that if we lessen the consumption, in all parts of America, those which are not planting, as well as the planting sections, of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton-grower and the British manufacturer, the stipulations of which are, on the part of the cotton-grower, that the whole of the United States, the other portions as well as the cotton-growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer that, in consideration thereof, he will continue to purchase the cotton of the South. Thus, then, we perceive that the proposed measure, instead of sacrificing the South to the other parts of the union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have described. Supposing the South to be actually incompetent, or disinclined to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an

American source of supply for its consumption? Now foreign powers, and Great Britain principally, have the monopoly of the supply of southern consumption. If this bill should pass, an American competitor in the supply of the south would be raised up, and ultimately I cannot doubt that it will be supplied cheaper and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe in furnishing a supply of the article of cotton-bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained, the year before the last, a height which amounted to more than an equivalent for ten years protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but without the protection of government they may be again prostrated; and then the Scottish manufacturer engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the general government will not, extend a like protection to the few Kentucky villages in which the article is made.

If the cotton-growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton-growing country itself.

Secondly. The second objection to the proposed bill is, that it will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us, if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and to take care of European ability in legislating for American interests. Now, if in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make is, that the bill only operates upon certain articles of European industry, which it is supposed our interest requires us to manufacture within ourselves; and although its effect will be to diminish the amount of our imports of those articles, it leaves them free to supply us with any other produce of their industry. And since the circle of human comforts, refinements and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign states to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue of about twenty millions, she must sell to other foreign powers than the United States. Now their market will continue open to her, as much after the passage of this bill, as before. She will, therefore, require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase it of us. and seek

a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her cheaper and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us: the consequence would be, that she would lose the market for the twenty millions sterling, which she now sells other foreign powers, or enter it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty; that is, a little upwards of five *per cent.*; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, producing new objects of exportation, and they possessing much greater value than in the raw state, we should be in the end amply indemnified, by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported in a large amount to South America, where they maintain a successful competition with those of any other country.

Thirdly. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement, consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected, that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter

will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point which it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and, of course, additional employment might, in that way, be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade, but that to Europe; that, with regard to that, there will be no sensible diminution of our exports; and that the new direction given to a portion of our industry will produce other objects of exportation, the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase in our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing, since 1818. And our coasting tonnage, since 1816, has increased upwards of one hundred thousand tons.

Fourthly. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt

that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts, (Mr. Webster,) rejecting, as a detected and exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade, the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which I admit should be comprehended; there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But great distress may be felt long before the counterpoise can be effected. *In the mean time*, there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own, strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation, may be made up by a favorable balance with other nations; but the fact of the existenee of that unfavorable balance is strong presumptive evidence against

the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and, beforehand, to provide against even distant evils; by prudent legislation stimulating the industry of their own people, and checking the policy of foreign powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

Fifthly. The fifth objection to the tariff, is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. Trimble,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty *per cent.* the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty, the object in reference to them being revenue and



not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is that the importations, during this spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing, that, in future, the amount of these in the old or new forms of the produce of our labor will not be diminished, but probably increased, then the amount of our importations, and consequently, of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia, (Mr. Barbour,) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that, if in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount at that time, whatever standard we may choose to adopt to institute

the comparison. It was in 1791, about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty *per cent.* greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty *per cent.* A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing, that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of government, and paying the principal, as well as the interest, of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made, that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The treasury estimates of the current service of the years 1822, 1823 and 1824, exceeds, each year, nine millions. The lapse of revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably reduce them below nine millions. Let us assume that sum, to which add about five millions and a half for the interest of the public debt, and the wants of government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public ex-

penditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding for the means of redeeming it in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended, (which is confidently denied,) with the supposed diminution of revenue. We shall not then have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to an excise. But, suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York, of the amount of the public revenue paid by that city, asked, who would pay it if the collector's office were removed to Paulus Hook, on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

Sixthly. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have

seen, that the existing occupations of our society, those of agriculture, commerce, navigation and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts, and augmenting the national wealth. The alleged fact of the high price of wages is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month; and such has been the want of employment, in some parts of the union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But, if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few past years, have produced a new era in the arts. The effect of this change, in the powers of production, may be estimated from what I have already stated, in relation to England, and to the triumphs of European artificial labor over the natural labor of

**Asia.** In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction, and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances, (except that of capital, of which there is no deficiency,) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet, to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three—first, capital; secondly, extent and costliness of machinery; and, thirdly, steady and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purpose, and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past history exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this govern-

ment, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our government did not listen to these discouraging counsels; and, behold the fruits of their just comprehension of our resources! Our restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share, which our navigation now enjoys in the trade with France, and with the British West India islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfiture and disgrace, were to be the certain, but not the worst, effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially, an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with, and without the arts, may be conceived, by the difference between a keel-boat and a steam-boat, combatting the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendent boughs of overhanging trees: she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steam-boat, laden with the riches of all quarters of the world, with a crowd of gay, cheerful and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent

triumphs, in her own vast dominion, of Fulton's immortal genius!

Seventhly. But it is said, that, wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be, the case. Perhaps the care of the interests of one people, is sufficient for all the wisdom of one legislature; and that it is among nations, as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries, is, that manufactures, without protection, will in due time spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry, I answer, the fact has ever been so, and that is sufficient; I reply, that uniform experience evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be who

should refuse to bask in the rays of the sun, because he could not agree with Judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say, that they are—first, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly; or makes a short crop; buoyed up by hope he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. Secondly, the uncertainty, fluctuation and unsteadiness of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, thirdly, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton-bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes! The competition for the



transportation of the mail, between this place and Baltimore, so excited, that, to obtain it, an individual offered, at great loss, to carry it a whole year for one dollar! His calculation, no doubt, was, that by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from over-calculation; and the forced sales at losing prices, may prostrate our establishments. From this view of the subject, it follows, that, if we would place the industry of our country upon a solid and unshakeable foundation, we must adopt the protecting policy, which has everywhere succeeded, and reject that which would abandon it, which has everywhere failed.

Eighthly. But if the policy of protection be wise, the gentleman from Virginia, (Mr. Barbour,) has made some ingenious calculations to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and, although it is admitted that the incidental effects of duties so laid is to promote our manufactures, yet, if it falls short of competent protection, the duties might as well not have been imposed with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

Ninthly. The prohibitory policy it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show in what instance a nation that has enjoyed its benefits has surrendered it.

[Here Mr. Barbour rose, (Mr. Clay giving way,) and said that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done is to modify the monopoly of the East India Company, in behalf of one and a small part of her subjects, to increase the commerce of another and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England; and does not touch at all the interests of foreign powers. The toleration of our commerce to British India, is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great Britain had prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time, but finally yielded, and our navigation now fairly shares with her in the trade. Have gentlemen no other to exhibit than these trivial relaxations from the prohibitory policy—which do not amount to a drop in the bucket—to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then we may be ready to allow that Great Britain has really abolished her prohibitory policy. We find there.

on the contrary, that system of policy in full and rigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection, which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many, that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where her writers boldly affirm it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign labor, would ex-

tend the consumption of American produce, unable in the infancy and unprotected state of the arts to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient, though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the Middle Ages, assigns the revival of the prosperity of the north of Europe to the success of the woollen manufactories of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England to the establishment of similar manufactures there under the Edwards, and to the prohibitions which began about the same time. As to the poor rates, the theme of so much reproach without England, and of so much regret within it, among her speculative writers, the system was a strong proof no less of her unbounded wealth than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe of ten or twelve millions sterling? [Mr. Barbour stated it was reduced to six; to which Mr. Clay replied, that he entertained no doubt but that the benign operation of British protection of home industry had greatly reduced it, within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.] The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless the condition of England would be better, without paupers, if in other respects it remained the same. But in her actual circumstances the

poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions and by her prohibitory system.

But, is it true, that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are nowhere adopted; or, if adopted, bring with them inevitable distress, impoverishment and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after a full experiment of the unrestrictive system made in his own empire. I hope I shall give no offence in quoting from a publication issued from "the mint of Philadelphia;" from a work of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates them.

[Mr. Clay here read several passages from the work referred to, from which it appeared, that the prohibitory system was practised by most of the great powers of Europe; and that Alexander acknowledged that an adherence to a contrary system had not only paralyzed the agriculture, commerce and manufacturing industry of Russia, but had brought them to the brink of ruin.]

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a state that abandons the care of its own internal industry. Her prosperity was greatest when the arts, brought there by the Moors, flourished most in that kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of

America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries, be otherwise explained, than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the Catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, in many other respects the most distinguished state of Christendom, Catholic? Is not Flanders, the most populous part of Europe, also Catholic? Are the Catholic parts of Switzerland and of Germany less prosperous than those which are Protestant?

Tenthly. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business, to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which has a similar tendency. The enor-

mous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the south. The dependants are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation, perhaps too rapid, of large fortunes. What has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy, as it was called, of that state, are now in the most indigent condition. The best security against the demoralization of society, is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions, are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain, as it ought to retain, a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures, and also against oppression on the part of capitalists towards the laboring portions of the community.

Eleventh. The last objection, with a notice of which I shall trouble the committee, is, that the constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit

of the constitution. If we attempt to provide for the internal improvement of the country, the constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the constitution presents an insuperable obstacle. This constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the constitution. No doubt revenue was a principal object with the framers of the constitution in investing Congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or is Congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the constitution on which we rely. It is that which gives to Congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of commerce? It implies the admission or exclusion of the objects of it, and the terms. Under this power some articles, by the existing laws, are admitted freely, others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, and embargoes, producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentle-



man from Virginia. [Mr. Barbour said that he was not in Congress.] Wherever the gentleman was, whether on his farm or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration has the sanction of some of the best and wisest men, in all ages, in foreign countries as well as in our own—of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are—by the master spirit of the age—that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely further behind him than they stood in advance of the most eminent of their predecessors—that singular man, who, whether he was seated on his imperial throne, deciding the fate of nations and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a state, and to have been able, by the turn of a single expression, to develop the secret springs of the policy of cabinets.

[Mr. Clay here quoted, from Las Casas, an extract which proved that Napoleon considered the principal object of imposing duties on imports, to be to afford protection to domestic industry; and that to afford such protection, was the true policy of every nation with great natural resources. The extract also described the manner in which, by prohibiting the importation of foreign fabrics, Napoleon “naturalized the manufacture of cotton in France.” Mr. Clay also made the following quotation from Lowe. “It is now

above forty years, since the United States of America were definitely separated from us, and since their situation has afforded a proof that the benefit of mercantile intercourse may be retained in all its extent without the care of governing, or the expense of defending these once regretted provinces.”]

Mr. Chairman, our confederacy comprehends, within its vast limits, great diversity of interests: agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, throughout all parts of the union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all; it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the union, (I speak not of minute subdivisions,) what would be done for those interests if that section stood alone and separated from the residue of the republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them, which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one which would be done if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole should be carefully consulted. • This is the only mode by which we

can preserve, in full vigor, the harmony of the whole union. The south entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the south. The north, the east, the west, hold the opposite opinion, and feel and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true, that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the north, the west and the east, formed an independent state, unassociated with the south, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are fortunately connected with the south, which believes its interest to require a free admission of foreign manufactures. Here then is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the south obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the south really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open by this

bill, to foreign fabrics purchased by southern staples. So far its operation is beneficial to the south, and prejudicial to the industry of the other sections; and that is the point of mutual concession. The south will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it in consequence of the establishment of the home market. But the south cannot exert its industry and enterprise in the business of manufactures! Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the south? The obstructions which forbid them are natural, created by the immutable laws of God, and therefore unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connexion with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population were subjected during the late war? Or to remind the committee of the great advantage of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the seaboard, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the confederacy upon the most solid of all foundations the basis of common interest. And is not government called upon, by eve-

ry stimulating motive, to adapt its policy to the actual condition and extended growth of our great republic? At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany mountains and the Atlantic ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western states and territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up as it were by enchantment, and along with it new interests and new relations, requiring the parental protection of government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefits of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are twofold, direct and collateral, and in the one shape or the other they will diffuse themselves throughout the union. All parts of the union will participate, more or less, in both. As to the direct benefit, it is probable that the north and the east will enjoy the largest share. But the west and the south will also participate in them. Philadelphia, Baltimore and Richmond, will divide with the northern capitals the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know; Zanesville, in Ohio, only excepted. And where the direct benefit

does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire states and communities, public companies and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the south—to the high-minded, generous, and patriotic south—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase, at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from southern magnanimity? The just and confident expectation of the passage of this bill has flooded the

country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff, I would also anxiously appeal. Every arrangement of its provisions does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the *National Intelligencer*, stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A judicious tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy, to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution, and always, remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter. First, the splendid talents which are arrayed in this House against us. Second, we are opposed by the rich and powerful in the land. Third, the executive government, if any, affords us but a cold and equivocal support. Fourth, the importing and navigating interests, I verily believe from misconception, are adverse to us. Fifth, the British factors and the British influence are inimical to our success. Sixth, long established habits and

prejudices oppose us. . Seventh, the reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply imbosomed in our mountains. And, in conclusion, I would pray God, in His infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.



# SPEECH OF ROBERT Y. HAYNE,

ON

## THE TARIFF,

DELIVERED IN THE SENATE OF THE UNITED STATES,  
APRIL, 1824.



I RISE to address you, Mr. President, under a greater weight of responsibility than I have ever before experienced. Being under a solemn conviction, that the system, recommended by this bill, (should it become the settled policy of the country,) is calculated to create jealousies, to banish all common sympathy among the people, and array particular states and certain peculiar interests, in deadly hostility towards each other, I cannot but consider the final triumph of such a policy as destined to put in jeopardy the peace and harmony of the whole union. The preservation of the system will render necessary successive acts of legislation, and the Congress of the United States, instead of looking to great national objects, will find itself hereafter constantly engaged in settling the conflicting claims of interested monopolists, and attempting to measure out to the several states and the various employments of labor and capital, an equal proportion of protection and encouragement. I can perceive no end to the difficulties in which we must be involved by such a course of legislation; I can discover no means of avoiding the fierce conflicts to which it must give rise, short of the final abandonment of the whole scheme, which, however necessary, will be attended by ruin to those who shall be tempted, by your restrictions and bounties, to engage in unprofitable pursuits. Whatever advantages may possibly accrue to the east or the west, from this bill, it is certain

that it must operate most injuriously on the south. While the inhabitants of that portion of the union will enjoy no part of your bounties, they will be called upon to furnish, (in the enhanced price of all the articles of their consumption,) the means of making profitable the pursuits of others. The cotton-growing states will, moreover, be exposed to the risk of having the foreign market for their produce cut off: a calamity which would involve in total and irretrievable ruin that valuable, and, I may be permitted to add, interesting and faithful, portion of our common country. However unfounded these apprehensions may be, they are universally felt in the southern states, and appear to my mind to rest on such a solid foundation, that in opposing this bill I consider myself called upon to maintain interests of inestimable value, and to endeavor to avert calamities of immense magnitude. The difficulty of this undertaking, however, is no less appalling than the magnitude of the danger. The question has been discussed by some of the ablest men our country has produced, and almost all the arguments which belong to it have been already urged, in a manner the most forcible, and in language the most persuasive. I did hope, sir, that every shadow of doubt, which the influence of preconceived opinions, or the suggestions of interest, had thrown around this subject, would have been dispelled by the extensive and profound learning, the brilliant wit, and the delightful and almost irresistible eloquence with which it has been treated by my friends. I am conscious of my inability to add one ray of intellectual light to the full blaze with which they, in the meridian splendor of their learning and eloquence, have invested it; and if the minds of our opponents still remain involved in more than Cimmerian darkness, I cannot indulge the hope, that they will be enlightened by any thing which I can say. The causes, (whatever they may be,) which have hitherto "shut out the light," resisted the truth and rendered argument useless, cannot be removed by me. If I were at liberty, therefore, to consult entirely my own

inclinations, I should, perhaps, close my lips and await in silence that decree, which must blight the prospects and wither the prosperity of those whom I have the honor to represent; and may, at no distant day, be fatal to the best hopes and dearest interests of my country. But, I know that some effort, however feeble or unavailing, is expected from me, by those who, having honored me with their confidence, are entitled to my best exertions in their behalf. In obeying this call, I am consoled by the recollection, that in the course of the debate on this floor, exploded doctrines and arguments, a thousand times refuted, having been revived and enforced, it is, perhaps, proper that they should be again answered, that the poison, as often as it may be administered, and in whatever form it may be infused into the public mind, may always be accompanied by the antidote.

I shall proceed, therefore, Mr. President, to ascertain the true character of this bill, to examine the principles on which it is founded, to consider its objects, and to take a brief view of its probable effects.

[Mr. Hayne first considered the bill as founded on the principle, that the importation of all foreign goods must be prohibited, which we were supposed capable of making at home. After advancing his arguments, to prove that such was the principle of the bill, and his objections to it on that ground, he proceeded as follows:]

But, if this bill does not look to prohibition; if its true object be to draw labor and capital from certain pursuits, supposed to be unprofitable, into others, which, it is asserted, will be more advantageous, both to individuals and the state, I should still strongly object to the measure, as resting on visionary theories and false doctrines; as being necessarily unjust and unequal in its operation, and calculated to aggravate the very evils it is intended to remedy.

The first objection, which I shall urge against this policy is, that it assumes, that government is capable of regulating industry, better than individuals; a posi-

tion which is wholly untenable. From the nature of things, labor and capital should be permitted to seek their own employment, under the guidance, entirely, of individual prudence and sagacity. Government, from the very elevation of its position, is necessarily incapable of taking that close view of the subject, and obtaining that accurate knowledge of details, indispensable to a judicious determination, of the relative advantages of different pursuits in any community. This depends so much on local circumstances, that personal observation and individual exertions are alone competent to the task. I deny, that any government can enter into the private walks of life, and wisely control the pursuits of its citizens; or judiciously regulate the various branches of home industry. In the domestic concerns of nations, as of individuals, it is sufficient that men are prevented from trespassing on the property, or invading the rights of their neighbors. In all other respects, they should be left entirely free. On this point, I have been so forcibly struck, with the sound and practical views, taken by the merchants of Philadelphia, in their excellent memorial, that I must be permitted to read an extract, and to adopt, as my own, the sentiments it contains:—"Be the wisdom, and impartiality, and foresight of the Legislature what they may, they can at no time, and under no circumstances, be perfectly adequate to the task. The subject is beyond the scope of human intelligence, except, when it is individually and personally applied to that limited space, within which the individual moves; and in this particular, trade differs little from the thousand other interests of the great family—which, it is the ordinance of Heaven, should be wrought out by the separate wisdom and exertions of its members, with scarcely a consciousness how the work is produced, and with an utter inability on their parts, to contrive the results beforehand." If any doubts existed on this point, I should have supposed that the most superficial observer would have discovered, in the progress of this bill, conclusive evidence of our utter incapacity to ac-

comply with the task we have assumed. Though surrounded by manufacturers and their agents, all anxious (doubtless for the good of the nation) to promote its passage—generously willing, out of their abundant stores of knowledge and experience, to supply all our deficiencies; have we not found it impossible to penetrate the veil, thrown around the pursuits in which they are engaged? I will appeal with confidence, to the senate, and ask, whether the most notorious facts have not been denied or perverted, and the most contradictory statements submitted; and whether we are not, at this moment, left in profound ignorance, not only of the actual rate of profits, but of the true condition of every branch of manufacturing industry? We do not, we cannot know, therefore, either the degree of protection wanted, or the best means of extending it. Are not the provisions of the bill exactly conformable to this state of our information? I will venture to assert, that no bill was ever introduced into any legislative body in this, or any other country, composed of such heterogeneous provisions, and contradictory principles. Here is said to be a “flourishing manufacture,” and therefore, it is to be encouraged by excluding the foreign article; here is “a languishing establishment,” and it must be sustained, while such as have no existence, are to be created; some, because they require much skill and large capitals, and others, because they require neither skill nor capital. Some branches of industry are to be encouraged because others are “overdone”—but these must also be protected “against foreign competition threatening to destroy them.” There are duties on the manufactured articles, and duties on the raw material; and, in short, the whole bill is such a tissue of inconsistencies, that the intelligent Chairman of the committee, does not pretend to know, and has certainly not attempted to explain, either the amount of duties, which it will impose, or the degree of protection which it will extend to any branch of industry. In attempting to gratify the wishes of interested individuals, we are legislating

in the dark, and by wholesale; distributing the national funds by a species of state lottery; scattering abroad bounties and premiums, of unknown amount; and all this, without the rational prospect of producing any effect, except that of sowing the seeds of dissension among the people, and thereby introducing mischiefs, which may last to the remotest generations. We are literally, Mr. President, opening a Pandora's box, of political evils, which, when they have gone abroad, will not leave even hope at the bottom.

This system of regulating, by law, the private pursuits of men or,—what amounts to the same thing—passing laws for increasing the profits of certain employments, and lessening the profits of others, thereby, driving men from the pursuits of their choice to those which the government is pleased to favor, has, it is true, been sanctioned by the practice of other nations, and comes down to us, from the remotest ages. But I consider it, sir, only, as a part of that system of tyranny and arbitrary rule, to which men have been subjected in every age. If it has become venerable, it is only from time—and, like monarchy, has no claims to our respect, but its antiquity. I admit, that in England, the industry of individuals has always been thus regulated. We know, that in that country, emigration is in many cases prohibited—that the wages of labor, and employment of capital, and even the price of commodities, are, in various ways, directed and controlled. In other parts of Europe, the doctrine of regulation, is carried still further, and a man's religious and political opinions, as well as his pursuits, are taken “in the holy keeping” of those, whose only qualification for the task, consists in their anxious desire to keep down the aspirations of the immortal mind, and make mere machines of beings, who have been endowed by their Creator with the noblest faculties, and for the noblest purposes.

Sir, it would afford matter for curious speculation, if the various regulations, by which men have been controlled in their pursuits, could be presented in one view

to our consideration. In England, we find, that, in the reign of Henry IV. the crown was authorized by an act of parliament, to order "one rood of flax or hemp to be planted for every sixty acres cultivated in other grains," and this was done for the purpose, (as it is quaintly expressed,) "of making of nets and eschewing of idleness." It is, in the east, however, that we find the system, advocated by the gentlemen on the other side, carried to the greatest perfection: we know that, in some parts of that country, the people are divided into casts, and every man is compelled to pursue the trade of his father. Not only the occupation of the people, but their food, their language, and even their names are prescribed; and we are told, that in China, "the power of the emperor, is exercised even on the dead, on whom he confers titles of honor, or according to their language, makes them naked spirits." Without dwelling, however, on this topic, I will concede all the gentlemen can ask; I will admit, that governments have everywhere, and in every age, presumed to regulate man in all his pursuits. Every thing, connected with his existence from the cradle to the grave, nay, beyond the grave; the language he shall speak—the name he shall bear—the food he shall eat—the trade he shall follow—what he shall sow, and what he shall reap—his hours of labor and of rest—the place in which he shall dwell—the opinions he shall cherish or express—the books he shall read, and the God he shall worship; every thing, in short, which belongs to him as a created being, is the subject of arbitrary regulation, and man is made a creature without heart, or soul, or mind, a mere machine, obedient to the will of the human artist, who puts it into operation. But, sir, we were taught to believe, that the establishment of our government, formed a new era in the history of the world, and that the practical operation of our constitution, was destined to exhibit a splendid example of the perfection to which man would attain, when freed from the shackles which had been imposed on him in other countries. We were taught to expect that a

government, instituted by the people, and administered for their benefit alone—where the human mind would be left without restraint to pursue its own happiness, in its own way—must, by its good fruits, recommend a free system to all nations. I can well recollect, sir, that among the first lessons instilled into my mind, that which made the deepest and most lasting impression, was to consider the Republican Institutions of my country, like the air which we breathe, as bestowing life, and health, and happiness, without our being conscious of the means, by which these inestimable gifts are conferred; like the Providence of God, unfelt and unseen, yet dispensing the richest blessings to all the children of men. But, these, we are told, are the illusions of the imagination. Man cannot be safely left to mark out his own course to happiness; but here, as elsewhere, the various employments of industry, and capital, must be so artificially arranged and balanced, as to produce results to be prescribed by law. We have been further told, sir, that our beloved country is in a state of such unparalleled suffering, that desperate remedies have become necessary to save the people, I presume, from “their worst enemies, themselves.” One honorable gentleman, attributes our calamities to over importation—the balance of trade—the drain of specie, and so forth—and told us, “that in three years, every dollar in the country would be exported, and in three more the fee simple of our soil, would be held by the agents of the British merchants.” This gloomy picture of our condition, would certainly excite the most melancholy sensations, if its extravagance did not provoke a smile.

To understand the true remedy for existing evils, we must ascertain their nature and extent, and know the causes which produced them. I beg the indulgence of the senate, whilst I prosecute these inquiries. That the country is in a state of depression, I will freely admit; but, I insist that the pictures of the great distress and acute sufferings of the people are exaggerated. This will be perceived at once, by a bare



recurrence to some of the blessings which we are acknowledged to possess. All classes of our people are supplied with food—not, as in many parts of Europe, of a single kind, and of insufficient quantity, but in great variety and in vast abundance; they have convenient dwellings, sufficient fuel, and warm and comfortable clothing, and these blessings are possessed to an extent which leaves no room for complaint in any part of the country; we possess, too, the means of educating our children—colleges have advanced with a rapidity heretofore unexampled, and common schools are daily springing up, even in the wilderness; a religion, pure and undefiled, sheds its blessings on our heads; and, to crown the whole, the spirit of liberty walks abroad in our land, crushing the oppressor, inculcating the lessons of wisdom and of virtue, giving protection to the weak and security to all. Now, Mr. President, if any monarch in Europe could, by pursuing a wise and liberal policy, bring the mass of his subjects into this condition, (which we are told is so “wretched,”) he would be followed by the blessings of his people, and would command the admiration of the world. It was an object of the ambition, (if I mistake not,) of the great Frederick, to make his subjects so prosperous, “that every family should enjoy the luxury, on the Sabbath day, of a meat dinner,” but he died without attaining it. In our country, however, where is the individual so poor, or so humble, as not to “laugh to scorn” a proposition to secure him such a luxury every day in the week?

When I admit, therefore, that the country is in a state of depression, I must not be understood as conceding, that there is any want of the necessities or conveniences of life; no, sir, that depression consists entirely in diminished prices for the produce of our labor, and is not confined, as gentlemen have supposed, to certain places, or to particular employments, but embraces the whole country, and is almost equally felt by all classes in society. It is also lamentably true, that men in the middle and higher ranks of life are

considerably involved in debt, and I will certainly not attempt to deny that these are evils of great magnitude, or that they have produced, and must continue to produce serious embarrassments. Now, in searching for the causes of this state of things, it is not little astonishing that gentlemen should pass over the great political events, which have obviously placed the United States in a new position, in relation to the rest of the world, and should look entirely to temporary circumstances and transient causes; such, for instance, as the balance of trade and the drain of specie. The fact, that from the commencement of the French revolution to the fall of Napoleon, the United States occupied a neutral position, and enjoyed the privilege of monopolizing the carrying trade, and commanding for her bread stuffs the markets of the world, would sufficiently account not only for the rapid growth and extraordinary prosperity of our country, but also for the temporary depression which must result from the loss of these advantages. Our fields have almost literally been fertilized by the blood of Europe; we have fattened on the crimes of her tyrants and the sufferings of her people. This has resulted entirely from our peculiar and felicitous situation; a nation at peace, with a salubrious climate; a rich and varied soil, and a rapidly increasing population, protected and fostered by a free government and liberal institutions; whilst all the rest of the world was involved in the horrors of war. That an increase in wealth beyond all former example, and in general prosperity without a parallel, should have sprung out of such a state of things, was natural, and, indeed, inevitable. The consequence, however, of this forced prosperity was, that the wages of labor and the interest of money became extravagantly high, foreign capital and skill were attracted to our shores, and a preternatural impulse being given to industry, results were produced so surprising as to border upon fable. American enterprise, like the lamp of the magician, converted every thing it touched into gold; the growth of centuries was attained in a

few years, and from youth the nation sprang up at once, and attained not only the vigor and strength of manhood, but a giant's stature. It was the necessary consequence of the state of prosperity, which I have described, that habits of expense should be formed, which nothing but extraordinary profits could support. In Europe, where society is arranged into classes, and the several orders are hedged round by insurmountable barriers, wealth, acquired in certain pursuits, does not often lead to an expensive style of living; but with us, where a happy equality prevails, the acquisition of riches, or even an increase of income, almost invariably leads to immoderate expenditures. The general prosperity of the country, therefore, introduced habits of extravagant living. Every thing was conducted on a liberal scale, and the original curse, "that man should eat his bread by the sweat of his brow," was unfelt and forgotten. At the very moment that we were indulging in golden dreams of endless prosperity, the restoration of tranquillity to Europe, and the return of all nations to the arts and pursuits of peace, brought her subjects at once into competition with our merchants and farmers, in all those pursuits, from which they had reaped such rich rewards. The loss, in a great degree, of the foreign market for our grain, and of the carrying trade; the loss, in one word, of our neutral position, produced a change in the condition of the people, which could not fail to be severely felt. There are, doubtless, other circumstances which produced an influence on the habits and employments of the people; but the prominent cause of our sufferings is the restoration of Europe to a state of universal and profound peace, which has changed our condition from that of monopoly to one of anxious and ardent competition. To pass immediately from wealth to comparative poverty, is at all times difficult; but when luxurious indulgences have become fixed, this cannot be successfully accomplished, except by men of strong minds and firm resolutions. This nation has been called upon to undergo that change—to give

up the luxuries for the conveniences, and, in some cases, for the necessities of life; to exchange the ease of unbounded prosperity for the habits of persevering industry and hard labor. This change, which would, under any circumstances, be painful, has unfortunately been rendered peculiarly oppressive in some parts of the country, by the unsettled state of the currency, the multiplication of banks, the extensive issue of paper money, the unjust interference of the legislatures of some of the states, to prevent the enforcement of debts—all of which have tended to increase the evils they were intended to remove. In some of the western states, for example, paper banks were established, and money issued to an extent almost incredible. In one of those states, forty banks were incorporated by a single act of the legislature; they were located in different parts of the country; an immense amount of paper was issued and circulated; the farmers were tempted to borrow and indulge themselves in the most extravagant expenditures, and when this evil had reached its height, their local banks, (having, by their worthless paper, driven all the specie out of the country,) stopped business, and left the people to pay their debts how they could. I happened to pass through that state, sir, about the time these failures took place, and such was the scarcity of money, that I have been asked, (among a very generous and hospitable people too,) whether I could pay for my lodging, before I would be received into the doors of a public house. The whole of our calamities, Mr. President, may be summed up in a few words—debts, and want of money. Now, debts cannot be paid without money, and as we have no mines, and cannot manufacture silver and gold, I am at a loss to conceive how we are to obtain money, or discharge our debts, by cutting off foreign trade. Having thus pointed out what I suppose to be the nature, extent and true source of all our difficulties, I will proceed to consider the causes assigned by gentlemen on the other side. These are, first, the balance of trade and drain of

specie; second, the loss of our exports; and, third, that commerce and agriculture are overdone.

On each of these, I must make a few remarks. In relation to the balance of trade, the gentlemen turn to our public documents, and showing from these, that we import more than we export, at once conclude, that the balance is against us. During the last year, say they, we actually imported goods to the amount of \$77,579,267, while we exported only \$74,699,030, from which they infer, that the nation fell in debt nearly three millions of dollars. But, will gentlemen call to mind, that we employed in the importation and exportation of these goods, 800,000 tons of shipping; and as the capital invested in those ships, must of course, have yielded some profit, it was necessary, that we should import, not only the value of the merchandize exported, but the amount of the freight. The imports of every country that carries on a profitable trade, must, therefore, exceed the exports in value, by an amount, at least equal to the profits. There is one fact, connected with this subject, which I should suppose would remove the doubts of the most sceptical, and prove beyond a question, that the Custom-house returns, afford no *data*, from which the balance of trade can be ascertained. It is, that according to these returns, we must now be indebted to Great Britain in the immense amount of \$270,000,000. This, no rational man can believe. The truth is, this is the amount of our gains, and not of our debts.

Though gentlemen have argued this point with great earnestness, I really cannot persuade myself, that it is necessary to say much in reply; I will merely advert, therefore, to one or two facts, in support of my views. It has been stated, in a recent publication of unquestionable authority, that thirty-nine vessels sailed from Portsmouth, N. H. in one year, in ballast; that these vessels were employed in the carrying trade in Europe, and realized a clear profit of one hundred and fifty thousand dollars, with which they returned to the United States. Now, according to the Custom-house

books, it appears, that in this case, we imported one hundred and fifty thousand dollars more than we exported, and this sum is actually included in the balance, which the gentlemen set down against us. Can it escape the notice of the gentlemen, that, according to their mode of calculation, a cargo lost in the ocean, or sold in Europe for half its value, creates a balance in our favor, while one doubled in value, swells the balance against us? The plain truth is, that we must import more than we export, or we carry on a losing business, and precisely as we make successful voyages, will be the enhanced value of our return cargoes. No higher evidence can possibly be furnished of the prosperous state of our commerce, than, that our imports uniformly exceed our exports, and this excess has always been greatest when our trade has been most prosperous. It is so well understood and acknowledged in Europe, that a prosperous trade cannot exist without importing more than you export, that when the statements of the Custom-houses in England have exhibited a different result, the circumstance has been accounted for, by showing, that it has arisen, entirely, from the difference between the official valuation and the actual value of goods. I hold in my hand an excellent article from a late English magazine, which is perfectly conclusive on this point.

Both, the gentleman from Kentucky, (Mr. Talbot,) and the Chairman of the committee, have treated this subject, as if all importation ran the country into debt. Now, I would seriously ask those gentlemen, whether they believe, that when we export our produce, we make a free gift of it to a foreign nation? Or, can they imagine, that in sending us their goods, they are bestowing a gratuity? If not, it follows that each party must receive some equivalent, and this is found in the exchange of commodities, on terms mutually advantageous. Nor does the intervention of specie make the least difference in the case; for though silver is used as a standard of value, yet it is only a commodity, which, like all others, is obtained in exchange for pro-

duce. There can be no drain of specie, therefore, while trade is free, and we have any thing to exchange for it. And what possible difference can it make, whether we pay for an article in produce, or in the gold and silver, which we buy with that produce? But here my friend from Kentucky, (Mr. Johnson,) asks, "whether we mean to contend that there is no such thing as a balance of trade?" In answer, I will state, that a nation may import from a particular place, or in a particular year, more than a fair return for the articles exported, and in either case, a debt may certainly be created. But from the very nature of trade, this can only exist for a short period, the over importation from one place, or in one year, being necessarily balanced by under importations from other places, or in other years; and thus, in a series of years, the whole amount of imports and exports must balance each other. Sharp-sighted and experienced importing merchants, are not at all like "spendthrift heirs." They do not go on increasing their imports, beyond the means of the country to pay for them; nor does the foreign merchant continue to send on his goods, after he finds that his customers cease to make remittances. The accounts are balanced at stated periods, and the debt is paid, in the only way by which such a debt ever could be paid—by the produce of the country. I conclude, therefore, that if a nation exports, it must import, and so *vice versa*. As a general rule, all parties concerned in trade derive a profit. It is the increased value given to commodities, by labor or art, or by the mere act of transportation, which is the foundation of commerce. We put a few seeds into the ground, and by labor, aided by the elements, convert them into a valuable commodity; we put a raw material into the loom, and by labor, aided by machinery, convert it into an article fit for ornament or use; one of these is exchanged for the other, and both parties gain. In this way, the world is perpetually progressing in wealth and refinement; and every advance that is made in science or in art—every new impulse

given to industry, adds to the comfort and happiness of mankind. I repeat, therefore, that all trade is profitable, and so far from mourning over the immense amount of our imports, we may resort to them, as affording, not only conclusive evidence that we are going on prosperously, but as furnishing almost the standard by which that prosperity can be measured. Gentlemen may be assured, we cannot import without exporting, and that our interference is unnecessary, as "the subject will regulate itself." Away then, Mr. President, with this argument of "the balance of trade."

But the gentleman from Tennessee (Mr. Eaton,) insists, that there is one fact, which demonstrates that the balance of trade must be against us; that fact is, the rate of exchange, which he states, is now no less than eight *per cent.* in favor of Great Britain. The Chairman of the committee, as well as the gentleman from Rhode Island, (Mr. D'Wolf,) have also strongly relied on this circumstance. Now, are these gentlemen not aware, that eight *per cent.* premium on bills of exchange on England, is, at this time, actually below par? It is manifest that the nominal rate of exchange, can furnish no evidence of the actual difference, except where the standard of value is the same. If the currency of one country should be coin, and of another depreciated paper; if gold be the standard in one place, and silver in another, or if the coins be of different value, the rate of exchange must be influenced by all of these circumstances, and could furnish not the slightest evidence of the true balance of trade. Is it, not obvious, that, under ordinary circumstances, the difference of exchange between countries, whose currency is the same, would be merely the expense of transporting specie? Why should an American merchant pay a debt in England by a bill of exchange, at eight or ten *per cent.* premium, when the expense of sending the specie to England, would not exceed two *per cent.* Gentlemen will see at once, therefore, that there must be a fallacy in their argument; for if the



premium of eight *per cent.* on bills, was the measure of the real difference of exchange, no bills would be purchased, but specie would be shipped. The truth is, the currency of the two countries is different. In considering the rate of exchange, between the United States and England, it must always be recollected, that practically, silver is the standard of the United States, because in silver only all payments are made, while gold is the standard in England, because in gold alone all payments are made, silver not being even a legal tender for sums above two pounds; they are then not susceptible of direct comparison, being things entirely dissimilar, and must be compared by some indirect mean. This mean is familiarly known in practice, and is obvious in principle. It is as follows: compare the standard value of a given quantity, (an ounce for instance,) of the pure contents of our silver coin, with the market value in England, of the same quantity of pure silver. I hold in my hand two statements, obtained from gentlemen, perfectly conversant with the subject. The first exhibits this comparison, in a case when the market value in England, is supposed to be four shillings nine and a half pence per ounce of Spanish dollars. There is a difference between Spanish and American dollars, which this paper also explains. The second, is an extension of the principle of the first, and shows the apparent loss, but in truth, the real par of exchange, in the several instances, which it enumerates. From these statements, it appears that exchange on England, being at fifteen *per cent.* premium, and Spanish dollars in the English market at four shillings and sixpence per ounce, is really at par, because the bill of exchange of one hundred dollars, which is purchased at one hundred and fifteen dollars, will procure in the English market one hundred and fifteen Spanish dollars, and when dollars are at four shillings nine and a half pence in the English market, (which is about the present price,) if exchange on England be below eight *per cent.* it is below par, and in favor of the United States. I have this day

received a letter from a highly respectable gentleman in Philadelphia, who assures me, that a merchant may now purchase a bill of exchange on London with silver, (or notes, for which silver can be obtained,) at the rate of nine *per cent.* premium, and that when he takes it to England, he will receive for it gold at par, with which he will be able to purchase one hundred and nine silver dollars—should the price of silver continue in England, the same as at the last accounts—thus making the purchase of a bill at nine *per cent.* premium, actually a purchase at par. The gentleman from Tennessee, therefore, will perceive, that his “eight *per cent.* premium” on bills, is below par; that he could obtain in England for such a bill, more than he would give for it here, and therefore, according to his views of the subject, the balance of trade must be in favor of the United States.

With respect to the loss of our exports, I think, gentlemen are equally mistaken. It was to have been expected, that the causes to which I have adverted, if they did not greatly lessen the amount, would change the character of our exports. A universal peace, would, of course, diminish the quantity of bread-stuffs wanted for the supply of armies, and surely nothing more favorable to us, could have been hoped for, than that we should, in the increased exportation of certain articles, make up for a deficiency in others. Now, it does appear to me, that the result has been as fortunate, as could have been reasonably expected.

In 1823, the amount of our Domestic exports, was	\$47,155,408
Foreign do.	27,543,622
Making in all, - -	<u>\$74,699,030</u>

In 1822, Domestic exports, \$49,874,079	
Foreign do. 22,286,202	72,160,281
Increase, - - - -	<u>\$2,538,749</u>

Now, from 1790 to 1816, a period of twenty-six years, it appears (from Seybert, p. 93,) that there was

creation by law of great manufacturing establishments. The gentlemen insist, that this employment of labor and capital, is, in the abstract, most profitable, and they consider the value added to the raw material as the exact measure of that profit. I must, at the very threshold of this inquiry, express my astonishment, that gentlemen should overlook the obvious truth, that if the use of labor-saving machinery, rendered manufactures more profitable than other pursuits, labor and capital would, according to an unerring law of our nature, immediately flow into that channel, until the profits should be brought down to the common level. If it were true, that labor in manufactures, would produce "ten times as much as labor in agriculture or commerce," it would only follow, that the manufactured articles would be reduced to one tenth of the former prices, and the profits of all pursuits would soon be equalized. This is a conclusive answer to the whole argument in favor of machine labor. But, if the value added to the raw material, (without any consideration of the capital invested,) be the test of the profits of different pursuits, I am inclined to think that agriculture would be found to have an advantage over manufactures. The latter, we are told, adds ten fold to the raw material—the former adds, perhaps, a hundred. The manufacturer, aided by his machinery, converts, by his labor, a pound of cotton, which costs twenty cents, into two yards of cloth, worth two dollars; while the farmer puts a few grains into the earth, which cost him almost nothing, and by the help of his horse and his plough, with the assistance of the elements, (all of which constitute, his labor-saving machinery,) produces a hundred, and in some cases a thousand fold. Is his pursuit, therefore, the most profitable? No; the profits will be equalized by the prices, and these will be regulated by an unerring standard, common to all pursuits, viz:—the interest on the capital, and the wages of labor.

But it has been most earnestly insisted that we must pass this bill to encourage home industry, and that

manufacturing establishments must be promoted, because the goods which they will furnish will be the produce of American capital and labor. Gentlemen appear seriously to believe, that nothing is the result of American industry which is not made at home. Now, sir, I insist that home industry is as much exerted, and American labor and capital, in all respects, as much employed in obtaining an article from abroad, as in making it at home. When Great Britain sends to this country, annually, manufactured goods to the amount of upwards of thirty millions of dollars, do gentlemen suppose we obtain them for nothing? If not, how do we pay for them? Surely with the produce of our labor. It is true, we may give ten pounds of cotton for one pound of cloth, but then it costs us no more capital or labor to produce the ten pounds of cotton, than it does the British manufacturer to work up the pound of cotton into cloth. The wages of labor and the interest on the capital, is the standard of value in both cases; and, as the English laborer works harder and fares worse than the American, we probably get the advantage in the exchange. I do insist, Mr. President, that every article of our consumption, whether made at home or imported from abroad, is equally the produce of American industry. Indeed, we can obtain nothing from any other source. It will not be denied, that the labor employed in producing the articles which we export, is home industry; neither will it be questioned, that the labor employed in building, equipping and navigating the ships which carry them to market, is home industry; then, it surely follows, that the goods obtained in exchange for this produce, is the result of home industry, and may most truly be said to be produced by that industry. It can make no difference whatever, whether such articles be made at home or abroad; it will be our interest to obtain them where they can be procured cheapest. I will illustrate my positions by stating a case. Suppose a thousand families to be exclusively employed in what the gentlemen on the other side call "home industry,"

that is to say, some of them are employed in cultivating grain, some in raising sheep, and others in manufacturing cloth. At the end of the year it is found, that over and above maintaining themselves in comfort, they have accumulated a surplus of ten thousand yards of broadcloth, worth in the market forty thousand dollars. This will be admitted to be "American labor" and "home industry." Now suppose the same persons to be distributed differently—a part of them are employed in raising articles for food, a part for exportation, and the remainder, (as merchants, seamen, &c.) in transporting the surplus produce to a foreign market and exchanging it for cloth. At the end of the year, their gains are also summed up, and it is found, that besides maintaining themselves, they have, with their surplus produce, imported cloth to the value of forty thousand dollars. Now, I will ask, whether the article thus imported, is not as much the product of home industry as if it had been manufactured in the country? Neither the country nor the individuals would be richer or poorer, whether the cloth was made at home or brought from abroad; while the pursuits in the latter case, being more liberal and diversified, would be calculated to produce a beneficial influence on the national character. But if the whole labor and capital of the one thousand persons abovementioned, could, when employed in agriculture and commerce, produce ten thousand yards of cloth, but when employed in the manufacture of the article could, (from the want of skill and capital, or other causes,) produce only five thousand yards, it is manifest that a great loss must be sustained; a loss of no less than one half of the whole capital and labor employed. Now, if in such a case the government should step in, and in order to make the pursuit profitable, impose such a duty on foreign cloth as would enable the manufacturers to sell the five thousand yards at double price, (viz. for forty thousand dollars;) then it is clear that an unprofitable pursuit would be made profitable by a bounty—taken out of the pockets of the consumers; and if

you extend the system on a large scale to various branches of manufactures, it is obvious that individuals would not only be taxed to a great amount, but the nation would be impoverished, by diverting the labor and capital of its citizens from a more to a less profitable pursuit. If it be manifest from this case, (and a hundred others could be put, equally strong,) that the question, whether manufacturing at home be preferable to importing, depends altogether on the fact, which yields the most profit, it seems to follow as a corollary, that it is the interest of the nation, as it is of individuals, to buy where they can buy cheapest, and this requires no legislation. If we can make cloth cheaper at home, than we can buy it abroad, we will make it at home; if not, it is our interest to import it. In the case, (supposed by the gentlemen on the other side,) of a farmer, who had nothing to give for his cloth, but grain, which the foreign merchant would not take, I admit, that it might be actually cheaper for him to make the exchange where he could effect it, without regard to the nominal price. No such case, however, can exist, for, as long as wheat can be exchanged for any thing, it will command money, and if it cannot be so exchanged, its cultivation must be abandoned. Gentlemen deceive themselves greatly, if they suppose that the American manufacturer will take their surplus wheat in payment for his cloth. Manufacturing establishments depend much more on capital than on labor, and though the spinners and weavers may consume flour, machinery and capital certainly will not. The quantity of grain, consumed in the country, will not be increased by manufactures; nor do I believe that the quantity produced would be materially diminished. The fact is, if there be a surplus of grain, or of any other article, the quantity produced must be lessened. There are a thousand agricultural products of which our soil is capable, to which our attention has not even been turned. A very short time will serve to develop the resources of the country, and open abundant sources of profitable and useful employ-

ment, and our citizens will emerge from their present difficulties "like gold purified in the furnace."

I admit, Mr. President, that there are exceptions to the rules I have laid down. I admit that the munitions of war and the articles necessary to national defence, should be provided at home, no matter at what expense; on the ground that we should not expose ourselves even to the risk of being left, in the event of war, without the means of self-protection. Beyond this, all duties should be imposed merely for the purposes of revenue. I confess I am unable to discover any substantial difference between protection by duties and by bounties. Indeed, I should be inclined to prefer the latter, for the obvious reason, that when the interest of the nation requires that a particular employment should be encouraged, that being for the benefit of the whole, the expense should be borne equally by all. It will not, it cannot be denied, that a duty imposed on foreign articles, for the express purpose of protecting the domestic manufacture, is a tax on the consumer. The Chairman of the committee was surely not in earnest when he assured us, that these *prohibitory* duties would immediately reduce the price of the articles to which they relate; for, if it could be so, what benefit would the manufacturers derive from the bill? The object is, undoubtedly, to increase the price; in this alone the protection consists; and this must, of course, operate as a tax on the consumer, for nothing can be more plain, than that an increase of one dollar a yard on broadcloth, created by the duty, amounts to a tax of one dollar on every yard of cloth we buy. So much of this tax, as is paid on the imported article, goes into the coffers of the government, but the additional price on the domestic article, falls into the pocket of the manufacturer, and where the duty amounts to prohibition, he gets the whole of it. In a country like ours, where particular pursuits are confined to certain portions of the country, and where certain states, from their situation and peculiar institutions, cannot engage in manufactures. it is clear.

that bounties to particular labor, are bounties to particular states.

But, we are told, that though in the first instance the effect of the system may be to impose a tax on consumers, yet that they will be compensated in the end, by a diminution in the prices—by furnishing a home market for the raw material, and finally, by the extensive exportation of the manufactured article. Nothing is easier, than for those who are to reap the present fruits of this system, to promise largely as to what they will do for us at a future day. But what security have we for the performance of these promises? We can take no bond, and when the promises shall be violated, and our hopes disappointed, what resource will we have, but unavailing regrets and fruitless complaints? But here, gentlemen confidently appeal to the experience of the country under the tariff of 1816. It has been repeatedly asserted in both Houses, that the wisdom of the prohibitory policy has been established by the fruits of that bill; that all the predictions of the southern gentlemen have been falsified, and that it has been demonstrated, that as soon as a manufacture is brought into existence by the protecting system, the price of the article is diminished, and exportation begins. Sir, I am persuaded that gentlemen have greatly deceived themselves and the country, on this subject. I feel myself, sir, constrained to deny that manufactures were “brought into existence” by the act of 1816. I apprehend that prices have not materially fallen, and I feel myself well warranted in asserting, that there exists no fact or circumstance which authorizes the statement, that cotton goods have been exported to South America to any considerable extent. All of these assertions I will undertake to establish by facts and arguments, which appear to me to be incontrovertible. It is said that the extensive failure of our manufactures after the war, arose from the want of adequate protection. I have heard it repeatedly asserted, that had the act of 1816 extended equal protection to woollen as to cotton



goods, these failures would not have taken place, and the wide-spread ruin, which followed the peace, would have been averted. Now, sir, it is not true, that this calamity arose from want of protection. If the act of 1816, had saved the cotton factories, and the want of protection had destroyed the woollen, then the failures would have taken place exclusively among the latter. But what was the fact? Why, four fifths of all the manufactories which failed in New England, were of coarse cotton goods; and in relation to these, the gentlemen admit they enjoyed the benefit of a "prohibitory duty." This fact, I assert, on unquestionable authority, and it certainly proves, that the failures were not the consequence of want of protection. The truth is, that the war acted as an extravagant bounty on manufactures; even ignorance and poverty, were enabled to carry on for a time a successful business; but the peace put an end to all this, and numerous establishments perished from imprudence; or fell by their own weight. Nor is it true, that, in consequence of the act of 1816, prices have fallen so low as to afford compensation for the bounties we have been compelled to pay to the manufacturers. I am told, that cloth which in 1816 cost twenty-seven cents, can now be bought for about seventeen, and such as formerly cost fifteen can now be procured for ten. But, in order to know whether the price of cotton has really fallen, we must compare it with other articles. There has been a considerable diminution in the quantity of money; a sound currency has been in a great measure restored, money has, therefore, increased in value, and property has consequently fallen. The average diminution in the value of land, we are informed, is nearly fifty *per cent.* and a similar fall has taken place in almost every species of property. Cotton cloths have not, therefore, fallen in price, unless they can now be procured for one half of what they cost in 1816, and this is certainly not the case. I will put it to the candor of gentlemen, whether coarse cottons, can now be purchased as low here as in England?

And if not, where is our gain from the fall of prices? Why are the manufacturers calling upon us, to enlarge and extend the provisions of the act of 1816, but from a belief, that it has enabled them to charge higher prices for their goods? If it lessened, instead of increasing those prices, they would consent to the repeal of that act, to-morrow. Look, Mr. President, to the experience of the country, in relation to the manufacture of two articles, I mean shoes and hats. Has the almost total prohibition of the foreign article, and the monopoly of the home market, lessened the prices? No, sir, we pay more for our hats and shoes, than any people on earth, and when almost every article imported from abroad, has fallen twenty or thirty *per cent.* these maintain their prices, immoveable. Why? For want of foreign competition. With respect to the home market for our raw material, I deny, that the cotton-growers have yet derived any material advantage from that source; and I am wholly at a loss to conceive, how the home market ever can supply the place of the foreign market, in this respect. The quantity of cotton, annually produced in the United States, is six hundred thousand bales; of this, the amount worked up in our manufacturing establishments, is about eighty thousand bales. Now, if the cotton-growers have found a home market for this quantity, I wish to know if they do not receive goods in payment? And whether they are not thereby prevented from importing the same amount of goods from abroad; for which they would have paid by exporting these very eighty thousand bales of cotton? If the prices of the goods, therefore, were exactly the same, it is obvious that the cotton-growers would be neither gainers nor losers, by the change which has been effected in the course of this trade; but, if they have thereby been compelled to pay a higher price for their goods, then it is clear, that they have actually been losers, to the whole amount of the difference. But how, I would seriously ask, is it possible for the home market, to supply the place of the foreign market, for

our cotton? We supply Great Britain with the raw material, out of which she furnishes the Continent of Europe, nay, the whole world, with cotton goods. We sent to England last year, four hundred and forty-eight thousand bales of cotton, of which she returned us not more than fifty thousand bales, in cotton goods. Now, suppose our manufacturing establishments could make every yard of cloth which we consume, that would furnish a home market for no more than fifty thousand, out of the four hundred and fifty thousand bales of cotton now shipped to Great Britain; leaving on our hands four hundred thousand bales, equal to two thirds of our whole produce. If our manufactures could supplant the English in the markets of Europe, it might be otherwise. But this idea is certainly too extravagant, to be seriously entertained. And are we prepared to cut off the foreign market, for two thirds of our cotton, equal in value to more than thirteen millions of dollars per annum, on the desperate experiment of supplying Europe with cotton goods?

The amount of the bounty paid to the cotton and woollen manufactures, by virtue of the act of 1816—the effect of that bounty on importation, and, consequently, on the exportation of our produce, and the loss of revenue thereby incurred—may be estimated by the following striking facts, to which I would call the serious attention of the senate.

[Mr. Hayne here quoted, from the report of the committee of ways and means, made 30th of April, 1822, a statement of the amount of our imports of cottons and wollens, in 1818, '19 and '20, from which it appeared, that the imports of the first year exceeded those of the last by nearly sixteen millions of dollars, and that the aggregate loss of imports in the two last years was about twenty-four millions, with a loss in revenue of about six millions.]

I have not had an opportunity of tracing this subject through all its ramifications, but, taking the whole period, I think it not improbable that an immense amount of our imports have been cut off, and that our

revenue has suffered most severely. If our exports have been affected to any thing like an equal extent, what effect must have been produced on the merchant, and the ship-owner, (and all trades and employments connected with the shipping interest,) and even upon the farmer and the mechanic? And is it improbable that the depression which has been felt by all of these, may have been, in some measure, produced, by the act of 1816, and the rapid progress of manufactures? But it has been most earnestly insisted, that we have derived ample compensation for these losses, by the exportation of our cotton goods to South America; gentlemen have not only indulged themselves in vague and unsupported assertions on this subject, but have relied on these assumed facts, as affording conclusive evidence, that when manufactures are once established, our country will be able to enter successfully into competition with Great Britain, in foreign markets. Now, I call upon them, for the proof, that we are in the habit of exporting goods to South America, and for a statement of the nature and amount of such exports. In the absence of all proof, I would rely with great confidence on two circumstances, as conclusive to show that the gentlemen have mistaken their sanguine hopes, for undoubted facts—the first is, that it is, from the very nature of things, highly improbable that we should successfully compete with Great Britain, in foreign markets, in respect to these manufactures, which can only be sustained at home, by protective duties of from twenty-five to one hundred *per cent.* Is it not absurd, to talk of entering into competition with the English abroad, if we cannot do it at home? Indeed, what are our advantages over the English? Their machinery is carried to the greatest possible perfection; their skill has been matured by knowledge and extensive experience; prodigious capitals have been accumulated by the successful trade of centuries; and the wages of labor are so low, as barely to sustain the artist; surely, with these advantages, it is idle to suppose, that we will be able to drive the English out of South

America, or any foreign market. At home, it may be different, and in respect to these articles, which are chiefly produced by labor-saving machinery, and for which we possess the raw material in abundance, the protection necessarily afforded by our revenue system, and our distance from Europe, will, I doubt not, enable us to enter into successful competition with foreigners. As to our exports to South America, it may be true, that a few cargoes of cotton goods have found their way to that country, and to Mexico. But this has probably arisen from the unsettled state of those countries; or we may have sent those goods, merely as the means of paying (at a price, perhaps, below their cost,) for articles imported from thence, and expected to be sold here at extravagant profits. I have carefully examined the official documents, for the purpose of ascertaining the kind and quantity of cotton cloths, exported to South America. I find from the report of the secretary of the treasury, that the quantity is not sufficiently great to be classed under a separate head.

[Mr. Hayne here stated the whole amount of exports of American manufactured articles to South America and Mexico, was two hundred and seventy-two thousand, three hundred and ninety-six dollars, while our exports of foreign goods to the same places amounted to four millions.]

What portion of this two hundred and seventy-two thousand dollars, consisted of cotton goods, we are not informed. I should suppose, it could not exceed one third; taking it, however, to be one half, it would only amount to one hundred and thirty thousand dollars, in round numbers; and this is the immense exportation of cotton goods to South America, about which so much noise has been made. Why, sir, we imported last year, nearly as much cotton from South America; and a cargo of wheat was brought from Europe to New York. But, does this prove, that South America can supplant our cotton in the home market, or that Europe can supply us with wheat? No, sir, these

cases prove nothing, they are mere exceptions to the ordinary course of trade.

Much has been said about the combination of foreign manufacturers, against our infant institutions. Such combinations, from the very nature of things, cannot possibly exist, they have too many conflicting interests; there is too much jealousy among them, to permit of their acting in concert; take, for example, the article of iron; there are Sweden, Russia and England, each jealous of the other, how can they combine? And I will venture to say, that combinations, among the large manufacturers in the same country, divided as they are by opposing interests, would be as impossible as among rival nations.

Having now examined this system of "home industry," I will next proceed to look at some of the "examples," on which gentlemen have relied in favor of their scheme. The example of England has been triumphantly appealed to. It is not a little strange, sir, that gentlemen, who are accustomed to hold up British institutions to our scorn and contempt, should now appeal to British example, for the purpose of supporting a policy, which they venture to call "American." But England, it seems, has grown great by her restrictive system. If this were true, I would ask, if her greatness affords evidence of the happiness of the people? But it seems that her subjects are prosperous; we have been edified by an eulogium even on her "Poor Laws," and are gravely told that the paupers of England, "have ruddy complexions, and eat beef, and drink tea." Sir, I would not exchange the condition of our hardy, sun-burnt yeomanry, enjoying a rustic independence on their own farms, for that of the most pampered menials, or well fed paupers, Europe could produce. The gentlemen seem to think, that the only standard of national welfare is money. Now, I do not underrate the advantages of wealth and power, but I consider the happiness of the people, as of infinitely more importance, and am inclined to believe that whatever may be

gained in riches, or in power, very little addition will be made to the substantial happiness of the people, by enticing them from the cheerful walks of agricultural industry, into the gloomy walls of a manufactory. The large capitalists of our country, may have their incomes enlarged, and their political influence increased, but the laborers will never receive more than very moderate wages, and to obtain even this, they will be often driven to rebellion; the only remedy spinners and weavers can have, (and a desperate one it is,) to avoid the grossest injustice and oppression. They can never improve their condition, but at the risk of starvation. But it is, surely, not sufficient for gentlemen, merely to show that Great Britain has become great and wealthy, or that her subjects are prosperous and happy; they must prove that this greatness and prosperity has resulted from the restrictive system. The ablest political economists in Europe, now tell us, that Great Britain has become great, not in consequence of, but (to use the language of lord Liverpool,) "in spite of her restrictive system." If gentlemen reason so illogically, as to contend that because England is rich, and great, and prosperous, therefore, she has become so from her prohibitory system, may we not, by the same course of reasoning, prove that she has grown great from her monarchical principles, her orders of nobility, or her military, naval and church establishments. I doubt not, that her poor laws have had as much influence in this respect, as her corn laws. Sir, England is indebted, for all that she possesses, to the patient industry of her people; her excellent judiciary; her astonishing triumphs in science, in arts and in arms, and her extensive commerce; which has rendered all the world tributary to her greatness. She owes no portion of her prosperity to her restrictive system. Gentlemen will pardon me, when I declare, and I do it advisedly, and in the face of their assertions to the contrary, that the whole history of Great Britain, demonstrates the impolicy, nay, the folly and absurdity of the system, we are now about, on the

strength of her example, to adopt. It is emphatically true, that all her manufactures, most protected by laws, have advanced least, while those which have been neglected, have prospered most. Silk, the creature of bounties, and nourished and sustained by prohibition, is still in a languishing condition. Linen, the next in order of protection, is next in the order of success; woollen being less protected than these, has advanced beyond them; but cotton, which has been of all others the least favored, has flourished most of all: to prove this, I will refer, at once, to the highest authority, the official statements of the chancellor of the exchequer.

[Mr. Hayne here quoted an extract from a speech of the chancellor of the exchequer, recently delivered in the British parliament, corroborative of the statements he had just made.]

Now, sir, am I not fully supported in the assertion, that the example of England is decisive in our favor? England is now wide awake to her errors on this subject; and when she is painfully retracing her steps, are we to commence the same unprofitable journey? Let me entreat gentlemen, to pause, and consider how much more easy it is to find our way into a labyrinth, than when there, to extricate ourselves from its mazes. The British parliament are, at this very moment, engaged in propositions, submitted by the ministry, and supported by the opposition, to take away the bounty on linens, and to promote the manufacture of silk, by introducing foreign competition. Indeed, so universal is the conviction in that country, of the impolicy of the restrictive system, that we are assured by the chancellor of the exchequer, "that for some time past, there has prevailed in that country, amongst its ablest statesmen and most eminent writers, indeed among all men of sense and reflection, a decided conviction, that the maintenance of the prohibitory system is exceedingly impolitic," and he concludes with the expression of a hope, of "yet seeing unrestricted industry." Let us for one moment, Mr. President,



compare the woollen and cotton manufactures of England. It is no answer to our argument, to say, that the latter have derived some benefit from the restrictions on foreign cottons, for it will be seen, that woollen has received ten fold more protection than cotton goods; and their relative progress, therefore, affords a decisive test of the efficacy of the protecting system. Wool was of old, the great staple of England, and from the earliest periods, received the protection of the laws, whilst the manufacture, and even the use of cotton goods was totally prohibited. Even the dead could not be buried, except in woollen; a regulation, the remembrance of which, has been perpetuated by Pope's celebrated lines, in illustration of "the ruling passion strong in death."

"Odious! in woollen! 't would a saint provoke,  
Were the last words, that poor Narcissa spoke."

When, at a later period, the manufacture of cotton goods was permitted, the raw material was burdened with a heavy duty, and an oppressive excise was imposed on the manufactured article. The jealousy, however, of the cotton manufacture, began at length to wear away, and about forty years ago, it was relieved from its burdens, I think, by allowing a drawback on the excise. Up to that period, wool had been uniformly protected, and cotton oppressed, and for the very reason now given by the advocates of this bill, because "the raw material was to be found at home." Now, how stands the account, between these two articles. Why, sir, I have shown, that while the woollen manufactures have advanced from five millions of pounds sterling, to six; the cotton have progressed from less than one, to thirty-three millions.

The article of hemp, furnishes a similar result; here too a repeal of the bounty has been found necessary. In the reign of Henry VIII. a petition was presented by the ropemakers, at Bridport, in Dorsetshire, which, after setting forth their employment, states as

a grievance, "that the people of the adjacent parts, had set up rope making, whereby the prices of cables were greatly enhanced," and, notwithstanding the absurdity of this statement, they obtained an exclusive privilege, and at this day, we are told by Oddy, that "no cordage is made at that place."

The gentleman from New Jersey, has next appealed to Spain and Holland, as affording living examples of the evils of unrestricted industry. Sir, in my humble judgment, the experience of these countries, is decisive against him. So far from its being true, that Spain has adopted the free system of free trade, for which we contend, she always has been fenced round by restrictions. Her subjects may (as the gentleman asserts,) be reduced to wretchedness, and her government may be poor and contemptible; but those evils have certainly not been the result of a liberal policy, whatever share the restrictive system may have had in producing them. "Five centuries ago, even as far back as 1271, (says the intelligent count de la Borde,) mention is made of the taxes levied on the cloth of Flanders, Paris, &c. their prohibition was the subject of the rescript of the 2d September, 1494." Notwithstanding restrictions of this kind, however, which have been continued to the present period, we are informed, (on the authority of Bourgoanne, a distinguished traveller of our own time, formerly French minister plenipotentiary at the court of Madrid,) "that there are only two manufactories of fine cloth in all Spain, though Spain produces the finest wool in Europe, and though to favor the manufactures there, a heavy export duty has been imposed on wool, and a very heavy duty on imported cloth." The same writer also mentions, that the looking-glass manufacture of Ildefonso, in Spain, could not succeed, and was abandoned, though patronized at vast expense by the government, which prohibited the introduction of any other glass within a circle of twenty leagues. Spain then, furnishes, in her example, no argument in favor of the regulating policy.

As to Holland, the gentleman holds her up triumphantly, as the only nation which ever has acted on the principle of the perfect freedom of trade, and the unrestricted employment of labor and capital, and they seem to take it for granted, that the consequences must have been disastrous to that country. But what is the fact? Holland has enjoyed the benefit of free institutions, and her people have not been surpassed in general prosperity, by any on earth. Look at that country, sir, rescued from the ocean, the very soil on which the people tread; a conquest, not obtained in a day, by force of arms over a mortal enemy, but achieved, by unexampled fortitude and perseverance, over the boisterous elements, nay, almost over the laws of nature. Are her merchants poor? Sir, their wealth is proverbial; and what is the condition of the mass of her people; for this, after all, is the only test a republican can acknowledge of national welfare? Sir, I will appeal to the latest traveller in that country; to our fellow-citizen, the amiable and learned professor Griscom, of New York; what does he tell us? Why, "that he was everywhere forcibly struck with the healthy and fine appearance of the people." He observed "a general taste for science and a diffusion of learning," he witnessed everywhere "the triumph of industry and of art," and even, when he brought Holland into comparison with France and Switzerland, through which he had recently passed, he assures us, "that he was so strongly impressed with the extraordinary evidences of industry, skill and neatness, that even the monotony of the general level did not offend him,"\* and yet he saw Holland when not recovered from the continental system, and French misrule.

I come now, Mr. President, to the examination of the probable effects of this bill: first, on the revenue: second, on the cotton-growing states.

On the first point, it appears from a statement submitted to the other House, by one of our most intelli-

\* See Griscom's "Year in Europe."

gent merchants, (Mr. Cambreleng,) and printed by the order of that House, (Document No. 72,) that the bill, in its present shape, will prohibit the importation of goods, to the amount of twenty-six millions of dollars, and cut off eight millions of dollars of our revenue. The cotton goods alone, which this bill will exclude, will amount to seven millions of dollars, the present duties on which, amount to three millions of dollars. These estimates are supported by the memorial of the merchants of Portland, (who assure us, that the bill will affect the revenue to the amount of eight millions of dollars,) and by the report of the secretary of the treasury, in 1820, who, when called upon to state what the effect of prohibitory duties would be on three articles only, viz.: cotton, woollen and iron, answered, that it would impair the revenue to the amount of six millions of dollars. Such will be the effect of the bill, should it operate as a prohibition, and if it should not lessen importations, it will impose a tax of eight millions of dollars, without producing the smallest advantage to any one. But a most disastrous effect will be produced on the revenue, by introducing a regular system of smuggling, which will taint the morals, and destroy the industrious habits of the people. In our country, the only security against smuggling, is to be found in the patriotic feelings, and moral sense of our citizens. Even in England, (says Sir T. Wallace,) "it is notorious that prohibition does not exclude; the prohibited goods can be obtained at any time at the additional price of the risk. It is surely better, therefore, that the revenue should have the benefit of the duty." In Spain, says (de la Borde,) there are near one hundred thousand smugglers, and forty thousand persons appointed to take them, and having an understanding with them. Gold and silver, however, furnish the strongest evidence of the entire impracticability of preventing illicit trade, where a sufficient temptation to carry it on is furnished by the prohibitory character of the laws.

It has always been contrary to law, to export spe-

cie from Spain, and death in the colonies, and yet Spain has supplied all the world with the precious metals. In England, till lately, it was a capital offence to export gold, and yet it has always been exported to a great extent. Mr. Pitt estimated the gold in Great Britain at forty-seven millions of pounds, and no one has supposed that at any one period it exceeded that amount; but the records of the Custom-house will show, that they have imported gold to the amount of four hundred millions. Where is it? Exported contrary to law.

I will next take a brief view of the probable effect of this bill on the cotton-growing states. The people in these states, are in the practice of purchasing almost all their supplies from abroad, and directing their whole attention to the cultivation of cotton. With respect to all the articles of our consumption, in relation to which this bill proposes to levy additional duties, there can be no doubt, that its operation will increase the price to the consumers. But this will be the least dangerous and oppressive effect of the measure. It threatens us with the total loss of our market for cotton, rice and tobacco. When we consider the magnitude and importance of this trade, in a national point of view, I should suppose gentlemen would pause before they adopted any measure, which could possibly hazard, either its total loss or material diminution.

The whole amount of our domestic exports the last year, was \$47,000,000. Of this, cotton alone amounted to \$20,400,000; and the three articles of cotton, rice and tobacco to \$28,500,000; more than two thirds of the whole amount of our exports. Is this to be lightly and rashly put in jeopardy? But we are asked, whether we believe that the English purchase our cotton from friendship, and whether they will be so blind to their own interests as to retaliate upon us? And the gentleman from Missouri, with great emphasis, has declared, "that they dare not do it." Sir, I know there is no friendship in trade. But, though nations are never influenced by sentiments of kindness towards others, yet animosities are sometimes indulg-

ed, beyond any sound view of their own interests. National pride and resentment, as often as the ambition of rulers, have engaged nations, in (what one of our most revered statesmen has called) "the unprofitable contest of trying which can do the other the most harm." All systems of retaliation, are of this nature, and our own experience affords, unhappily, several memorable examples of this spirit. England may, therefore, in the spirit of vengeance, or of self-defence, engage in a system of retaliation, from which both parties may suffer. Is she not already threatening us with discriminating duties on our cotton? And is this bill, at all calculated to remove her complaints? But may we not actually make it the interest of Great Britain, to pursue that course? If we prohibit the importation of British goods, may it not become the interest of Great Britain, no longer to take our cotton, if she can obtain the same article from other countries, which will receive her goods in return? If the United States was the only country on the face of the globe, that could produce the article, the case might be very different, and England, by resorting to a circuitous trade, might obtain the means of paying for our cotton. Yet a direct trade, which consists in the simple exchange of the commodities produced at home, is in general the most profitable; and undoubtedly, when such a trade can be carried on to the full extent of the productions of any country, no temptation can exist to seek, in a circuitous channel, for the means of disposing of our produce. No trade can be more profitable, than that which is carried on between the United States and Great Britain, consisting, as it does, in the exchange of those productions, which, from our peculiar situation, we can most profitably raise, for those, which her condition enables her most conveniently and cheaply to produce. But should we prohibit the importation of her goods, and she can obtain cotton elsewhere, it will become her interest, to supply herself with this article, from those countries which will take her goods in payment. Suppose a British ship to be

employed in that trade, if we do not take British goods, she may be compelled to come out in ballast, thereby losing the freight of the outward voyage; but, should the same trade be carried on to Brazil, or any other country which will take British goods, such a ship would carry out a cargo of goods, and exchange them for cotton. Can any one hesitate in deciding, which of these two would be the most profitable trade to Great Britain? Interest, therefore, as well as resentment, may dictate the course we deprecate. But there is another view of the subject, which forces itself irresistibly on my attention; the truth is, that the cotton-planters of our country, are, at this moment, engaged in a fearful competition with foreign nations, for the possession of the cotton market of the world. The general peace, has excited to the very utmost, the dormant energies of mankind. In commerce, our ships are struggling for their existence, and our farmers and planters have certainly no right to expect to escape a similar contest; a contest, in which they will assuredly not come off victorious, if the government shall interfere to keep down their exertions. They are engaged in a glorious race, in which a single pound's weight may deprive them of the victory. We have, since the peace, brought down the price of cotton to the very lowest sum for which it can be profitably raised. As a proof of this, the returns of the last year, exhibit an increase in quantity of thirty millions of pounds; and a diminution in price of three millions and five hundred thousand dollars. Now, I would seriously ask my friends, whether this is a period when additional burdens ought to be imposed on the cotton-planter? Loaded with debts, contracted during that period of general jubilee, which the people of the United States, for so many years enjoyed, with habits of expense, rendered almost sacred, by the hospitality and kindness, with which they are dignified; you propose to bear him down, at the very crisis of his fate, by onerous taxes, odious duties, and oppressive regulations. You will not only increase the expense of every thing he consumes, but you em-

barrass him in the sale of his productions; compel him, either to give an extravagant price for the very clothing of his cotton, or to use an article, which will secure a preference to his rivals in every market in Europe. You propose to levy heavy duties on all those articles, which he is accustomed to receive in payment for his cotton; and thereby make it the interest of his customers, to purchase from his rivals; and you accompany all this, by regulations, which, affecting the shipping interest, must greatly increase the expense of transportation. After this, is it surprising that we should feel much anxiety, and manifest great apprehension of danger? It is easy, sir, for those who do not partake of our dangers, to deride our fears. But let me assure gentlemen, that these fears are entertained, not only by the wise, the prudent, and the brave among ourselves, but the unanimous voice of the south on this subject, has been re-echoed by all men of intelligence, (acquainted with the course of trade,) in every part of the United States. Look at the memorials. There is not one, from the southern States, which does not hold this language. The merchants and tobacco-planters of Virginia, have warned us of our danger; the merchants of Baltimore, have told us, "that if we do not buy British manufactures, she cannot be our customers, for the produce of our country," and the chambers of commerce, of Philadelphia and New York, (composed of some of the first merchants in the world,) have raised their warning voices, in the most emphatic language, in behalf of the cotton-planter. Is all this to pass for nothing? Are we still to be told that our fears are idle, and the dangers imaginary? Sir, I will borrow the language of a learned writer on this subject and say, "let gentlemen look to it—they are not threatening us with a system of unjust taxation merely—but with the annihilation of our staple commodities; not with taxation—but destruction." But we are told that the people of the south enjoy a great advantage in the value of their exports, while the corn-growing states cannot find a market for their grain; gentlemen speak of us



as the favored of the land, and seem to think it only common justice, that our "princely fortunes," and "large incomes" should, in some way or other, be shared with our less fortunate brethren. I have heard the term "nabobs" applied to us, and from the course of remarks on this subject here and elsewhere, almost begin to apprehend that the south is regarded as the India of America, from which the inhabitants of every other region, must have a prescriptive right to draw a large portion of their wealth. Now, sir, if it were true, that the southern states, did enjoy these pre-eminent advantages, would it follow that any part of their wealth, however small, could be lawfully taken away for the especial benefit of any other portion of the union? Our advantages, whatever they may be, are the result of climate, soil and peculiar situation; they are the bounties of Providence, and we cannot be deprived of the smallest portion of them, on any principle, which would not justify an Agrarian law. For our fertile soil, and genial climate, we have paid the price, in great sacrifices of health, of comfort, and of life itself. Even our slave institutions, which gentlemen almost seem to envy, are upheld at a sacrifice of comfort and feeling, which gentlemen are not disposed to estimate. But, if the south does, in fact, hold out so many advantages, our doors are open, let gentlemen come and share them freely. We will receive them as brethren, and they shall have our free consent to become nabobs as soon as they please. But let them not expect to share our profits, without breathing the atmosphere of our swamps, and panting under our summer's sun; without, in a word, paying the price which we pay for them. But I assure gentlemen, they are greatly deceived. The people of the south, are in no better condition, than the rest of their fellow-citizens. They have their full share of debts; of diminished prices; habits of expense, and every other evil, (except, perhaps, paper banks, and a depreciated currency,) which are so severely felt in other parts of our country. I am sorry to be compelled to say, that this bill is so framed, as to bear with peculiar severity on

the southern states; to whose feelings, almost as little regard seems to be paid, as to their interests. Cotton-bagging, osnaburgs, plains, articles consumed almost exclusively in that portion of the country, are objects of the special vengeance of the law. Let us examine, for a moment, this duty on cotton-bagging. Here is a manufacture, the raw material of which abounds at home; there is hardly a spot from Florida to Canada, which will not produce it abundantly. The manufacture requires neither skill nor capital, nay, we are expressly told, from the highest authority,\* "that the buildings used for the purpose, are of the slightest kind, much resembling rope-walks; the hands, for the most part, small negro boys and girls; and the weavers, all negroes or common laborers."

Now, against whom are the people of the west claiming protection. Why, against "the little Scotch towns" of Inverness and Dundee. Sir, we are informed, that the inhabitants of the inhospitable region, in which those towns are situated, actually import their food and their fuel, and to obtain the hemp, out of which the bagging is made, they are compelled to send up the Baltic twelve hundred miles, to Dantzic; paying a freight almost equal to the first cost of the article; and after the cotton-bagging is manufactured, we all know they have to send it three thousand miles, and pay a duty of twenty *per cent*. Sir, whatever may be said of other articles in this bill, it is certain there is no plausible pretext for protecting cotton-bagging. The honor, the independence, the defence of the country do not depend on cotton-bagging. It is an article easily made, which requires neither skill nor capital, and which could, on no principle, claim protection, except, indeed, it should be deemed just and expedient to advance one part of the country at the expense of another. Let me, for the sake of example, show the practical operation of this duty on the city of Charleston, from which some idea may be formed of its injurious effects on the cotton-growing states. It appears from the statements of the Charleston cham-

\* Mr. Clay.

ber of commerce, which have been printed and laid on our table, that there were imported last year into that place, eighteen thousand and five hundred pieces of cotton-bagging, which cost, on an average, eight dollars and fifty cents per piece, equal to one hundred and fifty-seven thousand, two hundred and fifty dollars. Now it appears from a calculation, which I hold in my hand, and which is at the service of gentlemen, that the difference between the present and the proposed duties on this amount, is upwards of thirty thousand dollars. And thus it appears, that on the cotton-bagging imported into a single city, this bill proposes to add thirty thousand dollars per annum, to a tax already sufficiently high for every legitimate purpose. By extending the calculation, it will be easy to show that the southern states will be taxed on the single article of cotton-bagging, to the amount of upwards of \$200,000 per annum. But we are assured, "that the planter does not pay this tax, as he gets it refunded when he sells the cotton." Gentlemen may be satisfied that there are very few exceptions to the rule, that the consumer pays the duty; and who is the consumer of cotton-bagging but the planter, who, in clothing his cotton with it, puts it to the only use for which it was designed? But the practice in Europe is to allow a tare for the weight of the bag; and even if this were not the case, we may be satisfied that neither the merchant nor the manufacturer would consent to pay for an article which could be of no use to them; and, therefore, if the bagging should be included in the weight, it would be deducted from the price of the cotton. But gentlemen take higher ground, and owning that this duty is "intended to be protective and prohibitory," tell us, that "it is only an equivalent for the three cents per pound on imported cotton." We have, Mr. President, been so constantly taunted with the protection which the south has received in the duties on cotton, tobacco and sugar, that I must be permitted to notice these arguments in this place. It is not true that the duty of three cents a pound on imported cotton, was intended to encourage the growth

of it, nor that it has, in fact, afforded any protection whatever to that article. The duty was laid prior to the year 1790, when not a pound of cotton was raised in the country, and when none was expected to be raised, and it was merely introduced for revenue, into a bill which imposed duties on all articles imported into the country. It has been stated, that the price of cotton was then about twenty-five cents, and if so, the duty was only twelve and a half *per cent.*; but even, at the present reduced prices, it is less than twenty-five *per cent.* which is actually below the average amount of duties imposed solely with a view to revenue. We deny, positively, that it has afforded us any protection whatever. From our climate, our soil and our skill and experience in the culture of the plant, we can afford to sell, and actually do sell cotton in foreign markets, as cheap as any country in the world. From the moment a pod of cotton was raised in the country, it was seen that competition with us in the home market was entirely out of the question, and it made no manner of difference, whether the duty on the foreign article was one cent, or twenty. But when we can export such immense quantities of cotton, and undersell all other nations in foreign markets, where we have no protection, is it not absurd to talk of our deriving an advantage from protection at home? There never has been a period when this duty excluded a single pound of foreign cotton, and if gentlemen will only consent to abandon the tariff bill, we will agree that the duty of three cents a pound on cotton, shall be taken off immediately.

Now, as to tobacco, the case is precisely the same. The duty is only fifteen *per cent.*, much below the average rate of duties; and in respect to the duties on manufactured tobacco, gentlemen are altogether mistaken in putting that down to the debit of agriculture; the manufacturer, of course, derived that benefit, and it is notorious, that Spanish tobacco is chiefly used in the manufacture of snuff and segars.

The argument of the protection extended to sugar, is more plausible. But it is certain, that the duty was

imposed merely for revenue, and the protection, if any, has been merely incidental. It was a duty of two and a half cents per pound, then equal to about twelve and a half *per cent.* and was imposed before Louisiana was acquired, and when no sugar was raised, or expected to be raised, in the country. It is true, that in 1816, the duty was increased to three cents, but this was done by the friends of manufactures, notoriously for the purpose of reconciling certain gentlemen from the south to that bill; and perhaps it was right, when extending protection to manufactures, for the friends of the system to extend bounties to other pursuits. Having done this, however, from motives either of policy or justice, it is hardly fair to upbraid us with it. Are not gentlemen, in spite of our protests, proposing to extend further protection to cotton, and to give bounties to the growers of oranges and limes? And I doubt not, that at a future day, this bill will be held up as affording protection to the south. Upon all of these items, I will make a general remark, that if gentlemen will consent to arrange the tariff, exclusively with a view to revenue, and it shall be found on examination, that the duty on cotton, tobacco and sugar is unreasonably high, we will freely consent, that they shall be put on a footing of perfect equality with other articles. Before I leave this branch of the subject, permit me, Mr. President, to say one word, as to the protection extended to the shipping interest, on which the gentleman on the other side has descanted so largely and extravagantly. I am not unwilling to admit, that some of the laws alluded to, may have been designed to promote navigation, with a view to the increase of the number of our seamen: This, if justifiable, can only be vindicated on the ground of the necessity of rearing up a race of men essential to the support of a navy, and consequently to the defence of the country. I am not prepared, at this time, to enter into the inquiry, how far the object would justify a bounty to ships. But I will say, that in a national point of view, it is one of vast importance. Invasion cannot be kept from our shores, but by a navy, and though the yeo-

many of our country would doubtless, at all times, be able to hurl destruction on any foe who shall venture to march into the interior, yet this might be at an immense sacrifice of men and of money. The true policy of America is to keep the enemy at the door, and to carry on the war on the ocean. Our sailors already amount to seventy thousand well disciplined men, (certainly surpassed by none,) all of whose services we could command in any emergency. I doubt whether this body of men do not add more to our strength, than a regular army of the same amount; and they are maintained without expense, and without the smallest danger to our liberties. It cannot be necessary to add any thing to what has been said with so much perspicuity and force, by the gentleman from Massachusetts on this point. I shall content myself, therefore, with the observation, that whatever objections may be applicable to the acts, in relation to the shipping interest, and however correct it may be to repeal any or all of them, still it is capable of demonstration, that our shipping interest has been more burdened with taxes, than our agriculture or our manufactures. The whole amount of domestic products exported free of duty from 1791 to 1823, was, on an average, \$37,330,865 per annum. It appears, from the report of the secretary of state, made in obedience to a call of this House, that there are goods manufactured in this country, which if imported from abroad, would, at the present rates, pay duties to the amount of \$42,000,000 per annum; these are also duty free. But, is there a single operation of commerce which is not taxed? According to a statement which I have prepared, it is manifest, that if every act of Congress in favor of the shipping interest, did operate as a bounty, (which has been shown not to be the case,) it would only amount to about \$1,500,000 a year, while the duties imposed on articles, used in ship building alone, amount to more than double that sum.

Will gentlemen suffer me to ask them to point out to me, if they can, the power which this government

possesses to adopt a system for the avowed purpose of encouraging particular branches of industry? The power to declare war may involve the right of bringing into existence the means of national defence. But to tell us we have a right to resort to theoretical speculations, as to the most convenient or profitable employments of industry, and that you can by law, encourage certain pursuits, and prohibit others, is to make this not merely a consolidated, but an unlimited government. If you can control and direct any, why not all the pursuits of your citizens? And if all, where is the limitation to your authority? Gentlemen surely forget that the supreme power is not in the government of the United States. They do not remember that the several states are free and independent sovereignties, and that all power not expressly granted to the federal government, is reserved to the people of those sovereignties. When I say, expressly delegated, I wish to be understood, that no power can be exercised by Congress, which is not expressly granted, or which is not clearly incident to such a grant. Now when we call upon gentlemen to show their authority, they tell us it is derived from the authority to "regulate commerce." But are regulation and annihilation, synonymous terms? Does one include the other? Or are they not rather opposites, and does not the very idea of regulation, exclude that of destruction? I rejoice, sir, to find that gentlemen refer us to commerce; for the very clause which expressly confers the right to regulate commerce, by saying nothing of the regulation of manufactures or of agriculture or home industry, seems to demonstrate, that they were intended to be put beyond our control; and to be reserved to the people of the states respectively. But our opponents gravely inform us, that this is a bill to levy imposts, and that it is, therefore, within the very letter of the constitution. True, sir, if imposts were the end and aim of the bill. But surely gentlemen will not attempt to justify a departure from the spirit, by an adherence to the letter of the constitution? Will they contend that we could, by law, adopt and enforce the

Chinese policy, and by virtue of our authority to regulate commerce, interdict all intercourse with foreign nations? And if you could not do that directly, can you accomplish the same thing indirectly, by levying such imposts as will produce the same result? It may be difficult to draw the exact line, which divides the lawful exercise from the abuse of authority; where regulation ceases, and unconstitutional prohibition begins. But it is certain, if you have a right to prohibit the importation of cottons, and woollens, and cotton-bagging, for the encouragement of domestic manufactures, you may, whenever you please, prohibit importations and shut up your ports entirely. An embargo can only be justified as a branch of the war power, and I think no one will contend, at this day, that a general and perpetual embargo could be lawfully laid. If it be sufficient to adhere to the letter without regard to the spirit and intent of the constitution, if we may use a power granted for one purpose, for the accomplishment of another and very different purpose, it is easy to show that a constitution on parchment is worth nothing. Orders of nobility, and a church establishment, might be created even under the power to raise armies. We are informed, that in Russia, military titles alone confer civil rank; and all the departments of the government are filled with generals and colonels, entitled to rank and to pay, without actual command or liability to service. Now suppose we were to follow the example of Russia, and should give rank and pay to a certain number of generals and chaplains, with a total or qualified exemption from service; might we not easily build up orders of nobility and a church establishment? Sir, this government was never established for the purpose of divesting the states of their sovereignty, and I fear it cannot long exist, if the system, of which this bill is the foundation, shall be steadily pursued to the total destruction of foreign commerce, and the ruin of all who are connected with it. Sir, it is my most sober and deliberate opinion, that the Congress of the United States, have no more power to pass laws for the pur-



pose of directly or indirectly compelling any portion of the people to engage in manufactures, than they have to abolish trial by jury, or to establish the inquisition. I will invoke gentlemen on the other side, while we yet pause on the brink of this mighty danger, in the name of liberty and the constitution, to examine this question, carefully and candidly; and if they shall search in vain, in our great charter, for power to pass this bill, they must surely suffer it to perish. I must be permitted, while on this topic, to declare, that, however this bill may be modified, still the system is one, against which, we feel ourselves constrained, in behalf of those we represent, to enter our most solemn protest. Considering this scheme of promoting certain employments, at the expense of others, as unequal, oppressive and unjust; viewing prohibition as the means, and the destruction of all foreign commerce, the end of this policy, I take this occasion to declare, that we shall feel ourselves fully justified, in embracing the very first opportunity of repealing all such laws, as may be passed for the promotion of these objects. Whatever interests may grow up under this bill, and whatever capital may be invested, I wish it to be distinctly understood, that we will not hold ourselves bound to maintain the system; and if capitalists will, in the face of our protests, and in defiance of our solemn warnings, invest their fortunes in pursuits, made profitable at our expense, on their own heads be the consequences of their folly. This system is in its very nature progressive. Grant what you may now, the manufacturers will never be satisfied; do what you may for them, the advocates of home industry, will never be content, until every article imported from abroad, which comes into competition with any thing made at home, shall be prohibited; until, in short, foreign commerce shall be entirely cut off. If we go on in our course, the time is at hand, when these seats will be filled by the owners of manufacturing establishments, and do you believe, that when a numerous party here, supported by millions of people without, collected together in vast masses in particular dis-

tricts, shall call upon you, with one voice, "for a monopoly of the raw material at their own prices," and shall quote you British authority for their demands, you will dare to refuse? Will you then, seeing your error, retrace your steps? I fear not. If this language be not now held, is there no ground to fear, that men, who have tasted the sweets of your bounties, will soon be found looking to prohibition and monopoly? Examine, sir, the memorial of Samuel Slater and others, of Providence, Rhode Island, presented to the senate at the present session, and printed among our documents; (No. 13.) In page five, of this memorial, we are told, "that a brief view of the policy of the British government, with regard to manufactures, &c." "will indicate the proper measures to be taken by this country, for the security of its own agriculture and manufactures." The memorial, proceeding to explain this policy of the British government, states, that "by prohibiting under penalties, which in some instances touch the life of the offender, the exportation of the raw material of these manufactures; thus giving to the manufacturers at home, the monopoly, at their own prices, of those materials, the British parliament, has effectually secured to their own subjects, the whole labor of preparing them for the market. The general policy of the system, looking to the most profitable appropriation of the land and labor of the community, seems intended to restrict the productions of the raw material for manufacture, to the actual demand, and in some instances, to less than the actual demand of the manufacturer." Again. "But the monopoly, at their own prices, of the raw material, &c. and the exclusion from the home and colonial markets, of all goods of foreign manufacture, are not the only encouragements extended by the British government to the domestic manufacturer; the system receives a new impulse from drawbacks, bounties," &c. As a proof of the effect of this system, it is stated in page nine, "that the quantities of wool composing the raw material, are bought by the manufacturer at from 6d to 9d sterling the pound.

and would, if they could be exported free of duty to this country, command from twenty-two to thirty-five cents the pound." Sir, I cannot suppose, that these memorialists, (who are very respectable men,) intended to hold up these monstrous regulations for our imitation, but that they should have been noticed in any language, except that of strong indignation and just reprobation, fills my bosom with serious alarm.

[Mr. Hayne here gave a sketch of the history of one of the memorialists, who commenced the business of manufacturing about thirty years ago, without capital, and had amassed an immense fortune in the business.]

Will the gentlemen, after this, tell us that the cotton manufactures were brought into existence by the act of 1816, and must have perished, without the aid of that act; or will they venture to assert, that skill and prudence, aided by adequate capital, cannot now render profitable a pursuit which has, for thirty years past, handsomely rewarded the labors of this worthy man. One such case speaks more than volumes.

This bill, Mr. President, should it pass in its present shape, will be inevitably fatal to the manufacturers themselves. It will produce a reaction in the public mind, and they will be swept away before the indignation of the people, like chaff before the wind. But this is not all; the idea of a bounty—the very name of protection will invite adventurers from all quarters, to engage in manufactures, and the business will be grossly and enormously overdone. Sir, I am not unfriendly to manufactures; I shall rejoice to see them rise up gradually, growing with the growth, and strengthening with the strength of the country. But I wish them to spring up naturally, to arise out of a state of things favorable to their progress, and not to be brought into premature existence by a stimulating process. I do, on my conscience, believe, that without any law on the subject, manufactures are advancing and will continue to advance as rapidly as the interests of the country require. It must be remembered that we possess only a limited quantity of capi-

tal and skill, and to advance beyond these will expose us to the danger of introducing ignorance and extravagance into pursuits, the success of which depends on the utmost skill, prudence and industry. I have taken, Mr. President, some pains to obtain correct information as to the present state and future prospects of our manufactures, and I most deeply regret, that gentlemen, who tell us of their languishing condition, had not examined, as I have done, twenty or thirty manufacturing establishments, and beheld the evidences of their prosperity. If the gentlemen had ascertained that some establishments had yielded a clear annual profit of twenty *per cent.* to their proprietors; that the stock of manufacturing companies is, in some places, fifty or sixty *per cent.* above par; if they had known that manufactures are advancing with a rapidity unexampled in the history of the world, and that in a single state, manufacturing companies, with a capital of five millions of dollars, were last year incorporated, I must believe they would hesitate in adopting a measure founded on the presumption that our establishments are all "falling into decay." Sir, I may be deceived, but I am thoroughly convinced, that the cotton manufacture is the most flourishing branch of industry in the whole country, and though the woollen, iron and glass have not been equally prosperous, still that they now afford reasonable profits, when conducted with skill, prudence, economy and adequate capital. And it is surely absurd to suppose, that where these are wanting, any bounties can make such pursuits profitable. Sir, I have not, on this subject, relied exclusively on my own judgment or observation: but I have sought information from the best sources, and beg leave now to submit to the senate a few facts and statements in support of the opinion I have ventured to express, and for the correctness of some of which I appeal to my honorable friend from Massachusetts, (Mr. Lloyd.)

[The statements submitted by Mr. Hayne had reference to the flourishing condition of our cotton manu-

factures; that they generally afforded handsome profits; that the losses which had, in some instances, happened, were the result of want of skill, rather than want of protection, and that numerous additional establishments, with large capitals, were about going into operation.]

The danger, then, is not that manufactures will not advance with sufficient rapidity, but that their march may be too rapid for the condition of the country, and their own permanent prosperity. No great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established, but in a long course of years. Every thing, indeed, great or good, is matured by slow degrees. That which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself. They can only be formed by time, which is the perfection of all things. "Force nothing," was the maxim taught us by Washington himself. Sir, it is with increased reverence for the character of that great man, that I discover, daily, new proofs of the profound wisdom by which his whole life was adorned. It is a remarkable fact, that our country has never yet been placed in any situation, in which his actions, or his counsels, have not been "a light to our feet and a lamp to our path." On the very question before us, "the Father of his country," (in his legacy to his children,) marks out the true American policy, in language which ought to sink deep into our hearts—"our policy, (he instructs us,) should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences—consulting the natural course of things, diffusing, by gentle means, the streams of commerce, but forcing nothing."

# **SPEECH OF MARTIN VAN BUREN,**

**ON AN**

**AMENDMENT TO THE RULES OF THE SENATE, PROPOSING  
TO GIVE THE VICE PRESIDENT THE RIGHT OF CALLING  
TO ORDER FOR WORDS SPOKEN IN DEBATE;**

**DELIVERED IN THE SENATE OF THE UNITED STATES, 1828.**

**MR. PRESIDENT,**

I HAVE not been disposed to partake largely in the present debate. I do not believe that any difficulty is likely to arise from leaving the Rules as they have stood from the commencement of the government, and am not at all apprehensive of the undue exercise of the restrictive power now proposed to be conferred on the Vice President. I have, therefore, felt almost indifferent as to the fate of the amendment; but the progress and character of the discussion has greatly increased the interest of the subject. Principles have been advanced, and earnestly supported, against which I feel it to be my duty, at least to protest. Nay, more; such is my repugnance to the doctrines I have heard, so deep is my conviction of the error in which they are founded, that I cannot, without being disloyal to the most sacred of my official duties, refrain from resisting them.

It cannot, I am persuaded, be necessary to say, that in expressing myself thus strongly, it is not my intention to question, much less to assail, the motives of those with whom I differ. I am not in the habit of doing so; and, if I could ever so far forget what is due to my brethren, as well as to myself, the sincere personal respect which I feel for the senator from Louisiana, by whose re-

marks I have been induced to continue the debate, would restrain me. I have no doubt, gentlemen honestly entertain the opinions they have advanced, and it is, therefore, their right to sustain them with the spirit and zeal which they have manifested on the present occasion. It is the correctness, not the integrity, of those opinions, that I mean to controvert. It is to carry them out to their legitimate results, and present them in their true and exceptionable character, that I have risen. To do this the more effectually, I will endeavor to strip the subject of all irrelevant matter, to check the discursive character of the debate, and bring the questions before the senate in their natural order and most simple form.

The first of these questions, is the extent of the rights of the Vice President under the rules as they stand. It is one, comparatively speaking, of but little importance. There are but two views in which it can be regarded as at all material. The one relates to the propriety of further legislation on our part; and the other gives it importance only from its bearing upon the correctness of an opinion long since officially expressed by the present presiding officer. I have before remarked upon so much of the subject as relates to the effect of the old rules, and will not now detain the senate by enlarging on that point. It appears to me impossible, considering the phraseology and obvious sense of our rules, more especially when taken in connexion with those of the House of Representatives, that intelligent and unprejudiced minds can differ in opinion. The language is plain; the sense is plain; and from the injurious consequences of a construction imparting this power to the Vice President without appeal, it is also plain, that such cannot have been their original intent. Indeed I do not remember that, in the whole debate, it has been distinctly contended that the right given by the rules to senators to call to order, extends also to the Vice President. Some gentlemen have, it is true, (to use the language of the law,) by way of excluding a

conclusion, imagined that there might be room for question upon the face of the rules; but I am quite confident that it has not been distinctly affirmed that they confer the power in dispute on the Vice President. Upon the other view of the matter, a single word will suffice. Entirely free, as I cannot but be, from personal prejudice on the one hand, and uninfluenced by individual partiality on the other, I feel no interest in the subject, save a desire which I hope is common to all, to see that justice is done to the conduct of a public officer who has discharged his official duties with fidelity and ability. I cannot but think that the warmth of personal friendship and the influence of party excitement, combined, has greatly magnified the importance of the matter in relation to the individual concerned. Surely no public man in this country, or in any other where reason and justice sway the public mind, is required to be infallible, or will be held responsible for more than the honesty of his opinions, and the fidelity with which he sustains them. If he err, occasionally, it is because he is human; and so long as his motives, as in the present case, are above suspicion, he has nothing to fear from public censure. But it appears to me that those who wish a confirmation by the senate of the opinion heretofore expressed by the Vice President, so far as the rules are concerned, cannot desire a more distinct one than will result from the adoption of the amendment under consideration: for where is the man, in this great community, who will, for a moment, suppose that the senate of the United States can spend days, not to say weeks, in gravely debating the propriety of conferring upon the Vice President a power already given by its rules? No one can, I am persuaded, be found capable of such injustice to the body.

I now approach another, and a more important view of the subject. It is the one that has called me up; and for entering upon its consideration I will make no apology. Indeed, I should require an apology for



myself, were I to omit it. Too much time cannot be employed in probing and discussing a principle, in my view, so fallacious and obnoxious as that which has been forced upon our consideration. My examination of it must, at this time, of necessity, be limited. The great principle so freely commented upon by the Senator from Louisiana, growing out of the implied powers claimed for this government, and involving the distinction between such as are true and warranted by the text, and the fraudulent inventions of after times, is a matter of intense interest. A particular discussion, however, of the acts and assumptions referred to by the senator from Louisiana, would now be out of place. But the period will, I hope, soon arrive, when an opportunity will be afforded to discuss them at large, uninfluenced by immediate local interests or party considerations. When that day shall arrive—and I hope it will not be more distant than the next session of Congress—I will, if my life is spared, seek occasion to say at least, fearlessly and frankly, all I know, and all I believe, and all I fear upon the subject.

Failing to find in the rules, their warrant for the power in question, those who affirm its existence, claim it under the constitution. With what justice this ground is taken I will proceed briefly to consider. There are not greater enemies to truth than confused and erroneous statements of the question. Their malign influence has been strikingly exerted on the present occasion. To it I attribute differences of opinion between myself and some with whom I seldom differ, and always with reluctance. What, then, is the true question? Is it whether the Vice President has any power to keep order in the senate? By no means. No one can contend for a proposition so much at variance with what is every day passing under our eyes. Those who assisted in the formation of this government, were not so ignorant or inexperienced as not to know that an efficient power to preserve order is of vital necessity to every legislative body. It was,

therefore, provided by the constitution, that "each House of Congress may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member." In virtue of this power, the senate, upon its first organization, adopted a set of rules prescribing the mode of its proceedings, and containing divers provisions upon the subject of order, declaring what its members might do, and what they should not be permitted to do. The enforcement of these rules is made the duty of the presiding officer, whether he be the Vice President or President *pro tempore*. Scarcely a day passes without the performance of some act by the presiding officer, in fulfilment of that duty. It is to these acts that gentlemen refer, in order to sustain a claim to a power altogether different. They do not perceive that these are acts of a merely ministerial character, in which the chair acts as the organ of the senate, subject to such control and supervision as this body may, from time to time, prescribe. In cases thus provided for, no difficulty has arisen, or can arise.

Another question has now been made, and it is this: It is contended that in addition to the conceded powers of the chair upon the subject of order, "it is competent for the Vice President to call a senator to order for words spoken in debate, upon the ground either that they do not relate to the subject under discussion, or on account of their otherwise exceptionable character." That right is, by the rules, given to every senator; but has not yet been conferred on the presiding officer. If, therefore, it exist, it must be derived from a source other than the rules of this House. Driven to this alternative, the gentlemen contend that it is derived from the constitution itself; that it belongs to, and is inherent in, the office: and it is to this view of the subject the question owes its great importance. I am, at a loss how to treat a pretension, in my conception so extravagant, in a manner consistent with the respect I entertain for those who

have advanced it. I have, at an early period of the debate, when it was alluded to—but not so formally and earnestly insisted on as now—made it my business to discredit, and, as far as allowable, to censure the doctrine contended for. Since that period, the matter has been discussed by my friends—from Delaware, (Mr. McLane,) Tennessee, (Mr. White,) Kentucky, (Mr. Rowan,) and Virginia, (Messrs. Tazewell and Tyler,) in a manner which I cannot hope to equal. They have literally left nothing for the advocates of the inherent power of the chair to stand upon. What are the provisions of the constitution that bear upon the question? By the third section of the first article it is declared, “that the Vice President of the United States shall be President of the senate; but shall have no vote, unless they be equally divided.” In the teeth of this express provision, it is gravely contended, not only that he shall have a vote where the senate is not equally divided, but that he shall have the whole vote; and that, upon a question involving the freedom of debate, and by consequence the interests of our constituents. Again: By the fifth section of the *same* article, the rules of order, and the means of their enforcement are, in terms, subjected to the legislation of the senate: but it is now as gravely contended that, this provision to the contrary notwithstanding, the subject (and as I will hereafter show, the whole subject) rests, by the true construction of the constitution, in the discretion of the Vice President. And what, sir, is the foundation upon which this high reaching pretension is founded? It is no other than the doctrine of implied powers. It is to register this, also, among the constructive powers of the government and its functionaries, that the gentlemen on the other side invoke to their aid a principle which has already done such extensive violence to the constitution—a principle which, as defined and practised upon by many of the public men of the day, leaves no other restriction upon power than the discretion or caprice of its possessor—a

principle which, in the sense in which it is understood by many, is never so true to itself as when it is false to the constitution. Relaxed as the sentiments of public men have become in regard to constitutional construction, still I could not have anticipated what appears to me to be so flagrant a perversion of the doctrine of implied powers. What more shall I say in reply? The implied power claimed for the Vice-President is not only inconsistent with one provision of the constitution, but is expressly inhibited by another. The constitution not only denies to the Vice-President this right, by one provision I have read, but expressly places it elsewhere by another which I have read.

If direct inconsistency and express inhibition cannot stay the march of implication, then has implication become too rampant for the words of soberness and truth. Let us, for one moment, consider the consequences that must result from this doctrine, if, in an evil hour, it should be established. The senator from Missouri, (Mr. Barton,) was evidently distressed by the consciousness of the alarming character of those consequences. He has endeavored to relieve himself by saying that this power would be subject to the regulation of the senate, and, if abused, might be controlled by its rules. But this attempt does not exhibit the precision and correctness by which the views of that gentleman are frequently recommended to our notice. He must either abandon his position, or seek other relief from the consequences of his own argument. If the power in dispute belongs to the office—if, as gentlemen say, it be inherent in the office, and be made so by the constitution, it is wholly beyond our legislation. We have no right to touch it: to do so would be a high-handed encroachment upon the constitutional rights of the second officer of the government. The power conferred upon him by our rules, upon the subject of order, is under our control. In these, his ministerial duties, he is our servant, and subject to our law. But you now propose to concede to him a high judicial power, and

you trace his title to it to an authority higher than your own; an authority paramount to all—the constitution.

You might with as much propriety undertake to explain, modify or control, the executive power of the President of the United States by your rules, as to control this power, if it springs directly from the constitution. Gentlemen must excuse me if, laying out of view the words in which they see fit to clothe their propositions, I hold them responsible in argument for their legitimate results. A course different from this would neither comport with the dignity of the occasion, nor the interest awakened by the subject. Among those results are the following:—If the Vice President be made, by the constitution, the judge of the propriety of our debate, and has the right to call us to order, when, in his discretion, he may think we violate that propriety; then are his rights and duties, in that respect, not only not subject to our legislation, but he would become the sole judge of the extent of this power, and the means of enforcing it, without any other direct responsibility than that secured by the right of impeachment. Then, too, has he the right to enforce *his* decision by punishing disobedience, and all the power of the senate upon the subject must be subordinate to his. It is, in my opinion, idle to talk about the power to keep order without the means of enforcing decisions by punishment for disorder. The framers of the constitution have taken a better view of the matter, by giving to the senate the right to punish for disorder, even to expulsion, as a necessary part of its control over the subject. If a similar power in the Vice President be implied by the constitution, the means to enforce it are also implied. If a power in the Vice President to call to order for words spoken in debate be implied, he must decide upon all questions growing out of its exercise, without being subjected to the control of the senate. For, unless the positive provision of the constitution is to be disregarded, he cannot vote with us, unless the senate be equally divided. These are,

then, separate and distinct powers, traced to the same source, and acting upon the same subject matter; and one or the other must be supreme, or the whole will be vain and inoperative. Suppose the senate by its rules allow to be in order what the Vice President; in virtue of his inherent right holds to be out of order, which is to prevail?

The result, then, of the doctrine contended for, when stripped of all unnecessary verbiage and extraneous considerations, is no more nor less than this; that it is within the constitutional competency of the Vice President, if, in the exercise of his best discretion, he thinks a senator urges exceptionable matter in debate, or insists on matter that is irrelevant, to prohibit the prosecution of the debate, except upon such terms and in such form as the Vice President shall prescribe, and to exercise the means necessary to carry that power into effect, without authority from or responsibility to this body, or to the individual senators, save through impeachment.

I ask the indulgence of the senate, whilst I submit a few observations upon the character of the power proposed to be conceded to the Vice President, as appertaining to his office, and the nature and importance of the rights of the senate now proposed to be surrendered. When I speak of their importance, I do not mean in reference to us, but to our constituents.

For what must be the character of the collisions which, in the course of events, can alone be expected to produce any thing like a marked exercise of this great power to control debate? Is it at all likely that they will arise from personal altercations among ourselves? Surely not. For their suppression, the present means are ample. The constitution and the rules of the senate made under it, afford of themselves an ample shield for individual protection, if any shield be necessary; and I hope no one will suppose that so craven a spirit exists within these walls as to make it necessary or even desirable to place this power in the hands of

the Vice President, because we might be unwilling to protect ourselves. I am quite confident that no danger is to be apprehended from this quarter. If strong ground is ever taken upon this subject, it will arise out of the intercourse of this body with the co-ordinate, and, in some sense, rival, departments of this government. It is from our acts as they bear upon the Executive and its inferior functionaries, and upon the Judiciary and its subordinates, that such a proceeding can alone be expected. From the present condition of things, abuse in that respect might not be likely to take place. But the present is not the natural state of things. In general, the President and Vice President will belong to the same political party. It is only when "times are out of joint" that they will be taken from different sides. The present case is an exception growing out of that cause. In considering the future, you must contemplate a different condition of things, or you will not act wisely. It is only to guard against the abuses of political trust that constitutional restrictions are provided. Were it not for the inherent and inextinguishable disposition of man to abuse *delegated* power, they would not be necessary. Who can be blind to the consequences, that in the political agitations of the times, may be fairly apprehended from the possession of this power by the Vice President? Who cannot see what a tremendous engine it may become in the hands of an ambitious and still aspiring Executive? That it may give him, through the agency of his political friend and coadjutor in this body, a complete and irresistible control over the debates of its members, and consequently over the extent and character of the information on public affairs to be given through us to the people?

The connection of the Executive with the senate is much closer than with the House of Representatives. Upon the subject of treaties, appointments, and the whole range of Executive business, the senate is almost the only check. It is, therefore, of vital importance,

that it should be wholly exempt from Executive control. This body was looked to by the framers of the constitution, as a sanctuary for the federal and equal rights of the states, and so framed as to cherish that sentiment on the part of its members. It is here alone that the federal principle has been preserved; a principle valuable to all, but particularly to the small states; for it is in this department alone that their perfect equality is recognized. But where, sir, will be its efficiency, if the doctrine contended for be established? When, hereafter, a senator shall feel it to be his duty to attempt in language which he may think the occasion requires, to arrest encroachment of the Executive, or to seek redress by exposing abuses of trust on its part, or that of any of its subordinates, he may find his lips closed, not indeed as of old, by a gag law, but by a power far more effectual. He may perhaps be told, that although it is his right to canvass freely the public acts of the President and his cabinet, it must be done in a manner more decorous; that their motives are not to be rudely scanned and discredited; that debates of that character, having a tendency unjustly to alienate the confidence of the people, are out of order; that if he will shape his periods according to the prescribed form, and measure the extent and bitterness of his denunciation by the administration standard, he may go on—but if not he must desist.

If it should hereafter become manifest to a portion, or even a majority of this House, that the third power of the Federal Government, created and supported by the other two, is gradually, though to the great mass of the people imperceptibly, subverting the reserved rights of the states, and undermining the constitution of the United States, in some of its most essential points; and if, on a subject of such vital importance, the representative of a sovereign state should express himself on this floor in a manner calculated to suppress the mischief, but yet without just offence to propriety, he may expect to be told from that chair, that although



the acts of a co-ordinate branch of the government, when coming properly before the senate, are liable to free examination; yet the ermine of justice is not to be thus rudely assailed within these walls. Could there be any principle which would more effectually prostrate the independence of this body? And is it to be endured; that the members of the senate shall hold the invaluable right of free debate by so frail and humiliating a tenure? In my opinion the senate would be wanting in what it owes to its constituents, to itself, to its true interests and dignity, if it could for a moment lend its sanction to a principle so untenable and so dangerous. The senate, heretofore, has not been insensible to what belonged to its rights. It was but the session before the last that the Executive, in a communication to us, advanced a pretension incompatible with the constitutional rights of the senate. And how was it received? It was not the exercise, but merely the assertion of a power, on his part—an assertion, it is true, wholly unsupportable: and I believe no one will deny, most unwisely put forth. And how has it been treated? Resolutions were introduced *denouncing* the unfounded assumption as an Executive encroachment that ought to be resisted. A disposition to do so, and to preserve and maintain the just rights of the body, not on our own account, but in behalf of those who sent us here, was then manifested, that in my judgment reflected the highest honor on the body. The question then agitated cannot be compared, in point of importance, with that now under consideration. At most, it was a threatened trespass upon the constitutional rights of this house. What have we here? A principle which lays the axe at the root of the independence of the senate; and the personal and dearest privileges of its members.

In every point of view in which this subject has presented itself to my mind, it has produced but one sentiment, and that is unqualified opposition to the prerogative claimed for the chair. Although this claim of

power is now for the first time made, the principle in which it originates is as old as the government itself. I look upon it, sir, as the legitimate offspring of a school of politics, which has, in times past, agitated and greatly disturbed this country—of a school, the leading principle of which may be traced to that great source of the political contentions which have pervaded every country where the rights of man were in any degree respected. I allude, sir, to that collision which seems to be inseparable from the nature of man, between the rights of the few and the many—to those never-ceasing conflicts between the advocates of the enlargement and concentration of power on the one hand, and its limitation and distribution on the other. Conflicts which, in England, created the distinction between whigs and tories: the latter striving by all the means within their reach to increase the dominion and influence of the throne, at the expense of the commons and people; and the former to counteract the exertions of their adversaries, by abridging that dominion and influence for the advancement of the rights and the consequent amelioration of the condition of the people.

Collisions of opinion and of action, of a character similar in principle, have existed, although under different denominations, with different limits, and for different ends, in most countries, and in an eminent degree in this. Indeed the history of the struggles, the contests, the alternating victories and defeats of these two restless and rival principles, is the history of all republican governments—in fact, of all institutions formed for the protection of the liberty of conscience and opinion, and the freedom of the citizen. No where can its operation be more distinctly traced than in our own early history. They were the primitive elements, and animating causes of those whig and tory parties, which, from the first Congress of 1765, down to the glorious peace of 1783, on the one hand labored unceasingly to consolidate all legislative authority over these pro-

vinces in the single British Parliament, and to place all patronage, power, and influence in the hands of the executive and judicial representatives of the crown; and on the other hand, as boldly and perseveringly, but happily more successfully, vindicated by reason, eloquence, and finally by arms, the rights of the several American States, and the just powers of the immediate representatives of the people. The establishment of our independence put an end to these conflicts in the form in which they had before been sustained; but what its effect was upon the spirit that produced them, can be better judged from an attentive consideration of our subsequent history. Attempts have frequently been made in latter days, and recently by the highest authority in the government,\* to trace the origin of the two great political parties which have divided the country, from the adoption of the constitution to the present day. They have, for motives too obvious to require explanation, been attributed to causes which have become either obsolete, or been compromised by mutual concession—such as the early difficulties growing out of our relations with Great Britain and France, the expediency of a navy, or similar questions. There is one consideration that cannot fail to arrest the attention of the most superficial observer. It is this. If these party divisions have sprung from no other cause than the temporary circumstances to which they have been attributed, why have they so long survived the causes that produced them? That they still exist, and exist in full vigor in a great portion of the union, it would be an insult to our observation and understanding to deny. The explanation of the mystery is to be found, and to be found only, in the falsity of the ascription. They arose from other and very different causes. They are in truth mainly to be ascribed to the struggle between the two opposing principles that have been in active operation in this country from the closing scenes of the

\* Inaugural Address.

revolutionary war to the present day—the one seeking to absorb, as far as practicable, all power from its legitimate sources, and to condense it in a single head: the other, an antagonist principle, laboring as assiduously to resist the encroachments, and limit the extent of executive authority. The former has grown out of a deep and settled distrust of the people and of the states. It consequently regards as gain, every thing that can be drawn into the vortex of federal power, and as making that power still more safe in proportion as it is withdrawn from the popular departments of the federal government to those that are further removed from the control of public sentiment. The antagonist principle has its origin in a jealousy of power, justified by all human experience. It is founded on the assumption, that the disposition of man to abuse delegated authority is inherent and incorrigible; it therefore seeks its only security in the limitation and distribution of those trusts which the very existence of government requires to be reposed somewhere. Hence, the aversion of its supporters to grant more power than is indispensably necessary for the objects of society; and their desire, as an additional safeguard, to place that which is conferred in as many hands as is consistent with efficiency. The former is essentially the monarchical, and the latter the democratical spirit of society. I wish not to be misunderstood. I use these terms as more expressive of my meaning, than any that occur to me. I have no idea that all, or even the great body of those who either now, or in times past, have been subject to the influence of the first principle, are in favor of the establishment of a monarchy in this country, any more than I believe that those who have shown their preference for democratical principles are in favor of the establishment of an absolute democracy—neither side have views thus extensive. The forms of both have been repudiated, while their respective spirits are to no inconsiderable extent, retained. The earlier battles upon this cardinal point were fought upon the

question of the degree of energy, or, in other words, power, that ought to be given to the federal government, at the expense of the states and the people. They commenced in the Convention of 1787, and soon spread through the great body of the people upon the question of ratification. The proceedings of that Convention were for a long time secret, but are now before the public. In them, when taken in connection with later events, we read the grounds of our subsequent political dissensions in language so plain, that none but those who are wilfully blind can be deceived. There were, of course, different degrees, as to individuals; but the leading division in the Convention was between those who, distrustful of the states, sought to abridge their powers, that those of the new government might thereby be enlarged; and those who, on their part, distrustful, perhaps jealous of the government about to be created, and possessing full confidence in those of the states, were as strenuous to retain all powers not indispensably necessary to enable the federal government to discharge the specified and limited duties to be imposed upon it. The contest was animated, and, as is well known, more than once threatened a dissolution of the Convention, without agreeing upon any thing. Necessity, however, ultimately compelled a compromise. The terms were arranged as well as practicable. The then friends of state rights, (the true federalists, but who, by a singular misnomer, were immediately after called anti-federalists, whilst those who had throughout opposed the federal principle, assumed the then more popular name of federalists,) succeeded, or thought they succeeded, in saving much of what they had so earnestly contended for. The advocates of what was in the language of the day called a strong general government, certainly failed in obtaining by express grant, or necessary implication, much of what they had so long and so ably struggled to acquire for the new government. The question of ratification came on, and was full of difficulty. The

abuses to which some of the more general provisions of the Constitution might be exposed, were pointed out by its opponents. The concealed powers of the Constitution, which are at this day put forth with so much confidence, were disclaimed and condemned by those who advocated the ratification. No candid and well-informed man will, for a moment, pretend that, if the powers now claimed for this government had been avowed at the time, or even had not been expressly disclaimed, there would have been the slightest chance for the adoption of the Constitution by the requisite number of the old thirteen states.

But it was ratified, and from the moment of its adoption to the present day, the spirit I have described has been at work to obtain by construction what was not included or intended to be included in the grant. It is far from my intention to urge this as a reproach against the actors in those scenes. I am persuaded that the motives of many, if not of all, were pure, and even patriotic. They believed that the state governments were not safe depositories of power: that the states would be able to control, and would injuriously control the federal government; unless it had more power than the Convention of 1787 was willing to grant. They thought, and one of them, with that ingenuousness of feeling which distinguished his noble nature, avowed officially that the true question was, not what the framers of the constitution intended, or what those by whom it was ratified understood, but what was the correct construction of the terms in which it was expressed. This great man knew well that the power then claimed for the government could be sustained on no other grounds, and he was always above disguise.

I am not condemning their motives, but controverting their opinions. The test that was then applied to the constitution has been adjudged erroneous and unjust, by the judges in the last resort—the people themselves. The belief (no doubt honestly entertained by many)

that its application was necessary to the success of the scheme and to the welfare of the country, was founded in impressions as to the character of the state governments, which experience has demonstrated to have been unfounded. Many of the most distinguished of those, who then entertained those opinions, have since abandoned them, convinced by the results of that experiment which has since been made. Fifty years experience of the operation of the state governments has made "assurance doubly sure," that they richly deserve the confidence which the people have ever been inclined to bestow on them. Under the broad shield of state laws, private rights have been protected, while public prosperity was promoted. In the darkest hours of war, when the general government was disheartened and enfeebled by debt and disaster, its unnerved arm was strengthened, and the national honor rescued, by the authority, the patriotism and the credit of the states. In peace they have not only fulfilled wisely and justly all the great purposes of self-government, but several of them have established noble systems of public instruction, or have accomplished or are now accomplishing great works of internal improvement, as far surpassing in magnitude and utility any similar works of the general government, as they do in wisdom of plan and economy and judgment in execution. A general surrender of such opinions is, therefore, at this time, a tribute justly due to the redeemed and established character of the state governments. But they are not surrendered—on the contrary, they have become more and more extravagant, until those under whose protection they now are, claim for this government powers which were in express terms repudiated and denounced by the founders of this very school.

I do not feel myself at liberty to detain the senate by following the track of the government in its whole extent, and through all its sinuosities to establish my positions, but I cannot avoid doing so in part. The

subject is one of deep interest, of which it behooves the American people to be fully informed. but which it is to be feared is more frequently spoken of than understood. The mass of our citizens are so much engrossed in the affairs of their state governments, that this great matter is in no inconsiderable degree neglected.

During the administration of general Washington, no acts of a strong character took place, save the incorporation of the bank of the United States, that great pioneer of constitutional encroachments, together with the principles avowed in relation to the treaty-making power. The attachment of general Washington to the constitution, his consciousness of the difficulties which attended its establishment, and the natural moderation of his character, coming in the aid of the firm countenance maintained by the anti-federalists of that day, kept the spirit of encroachment and construction within bounds, that, compared with its present character, were reasonable. But in the administration succeeding that of general Washington, continuing through the years 1797, '98, '99, it displayed itself in its true and most odious character. Its fruits were so bitter, and are so well remembered, that any thing like a minute description of them would be an act of supererogation. It was then that the monarchical and aristocratical character of the spirit I have described, was displayed in unceasing efforts to wrest from the states the powers that justly belonged to them, to exercise such as had never been conferred, and to concentrate, as far as practicable, all authority in the hands of the President.

Among the usurpations of that day, the alien and sedition laws stand in bold relief, not only as furnishing land marks of the extent to which the presumption and arrogance of power dared to go, but also on account of their agency in driving from public confidence those by whom they were adopted. The inclination to draw the powers of the government to



one common focus, has been otherwise exemplified in various ways, and at different periods of our history. Time will only allow a brief notice of one or two of them.

The doctrine announced in the discussions of the British treaty, that the House of Representatives were bound to make all appropriations necessary to carry into effect the stipulations of a treaty made by the President and senate, was a striking exemplification of this truth. The extent to which this doctrine increases the executive power (in its most enlarged sense) over the funds of the nation, cannot fail to strike the mind at the first blush. I do not wish to be understood as saying, or insinuating, that all who advocated that opinion, were influenced by the spirit of which I have spoken. I do not believe that such was the case. On the contrary, I am satisfied that there were those, on that occasion, as well as on that of the incorporation of the bank of the United States, (and especially him who was at the head of affairs,) who were sincere friends to the state governments, but were led away by the pressure of the times, and gave their assent to measures which, under more auspicious circumstances, they could not have approved. The principle then avowed was resisted by the republicans of that day, on the simple but intelligible grounds, that so far as the treaty stipulation could be carried into effect without the aid of the House of Representatives, its interference would be unauthorized, because, by the constitution, the treaty-making power had been conferred on a different department of the government; but that, whenever the action of the House of Representatives, the more immediate agents of the people, was necessary, it must be free to give or withhold its assent, according to its best judgment, and upon its own responsibility: that the constitution neither declared nor intended, that, in cases which might be of the greatest magnitude, it should be a mere machine to be worked by the other departments of the gov-

ernment. The same disposition to limit the powers of the popular branch, was forcibly illustrated in the discussions on the "Foreign Intercourse Bill," in 1798. It was upon that occasion contended, and successfully too, that the House of Representatives had no discretion upon the question of appropriation for the expenses of such intercourse with foreign nations as the President saw fit to establish—that they would be justly obnoxious to the imputation of gross delinquency, if they hesitated to make provision for the salaries of such foreign ministers as the President, with the assent of the senate, should appoint. What would be the feelings of real and unchanged republicans in relation to such doctrines at this day? Associated with them was the bold avowal, that it belonged to the President alone to decide upon the propriety of the mission, and that all the constitutional agency which the senate could of right have, was to pass on the fitness of the individuals selected as ministers. It was pretensions like these, aided by unceasing indications, both in the internal and external movements of the government, that produced a deep and settled conviction in the public mind that a design had been conceived to change the government from its simple and republican form, to one, if not monarchical, at least too energetic for the temper of the American people—a conviction which, beyond all doubt, produced the civil revolution of 1800, and for which no "obvious antidote" has yet been discovered by those who were its victims. By that great event, the public sentiment was improved, our public councils purified, the spirit of encroachment severely rebuked, and, it was then hoped, extinguished forever. During Mr. Jefferson's administration, and with a single exception, that of Mr. Madison, the government was administered upon the principles which the framers of the constitution avowed, and which their constituents had ratified, and the people once and again confirmed. The charter of the bank of the United States, was, after a hard

struggle, suffered to expire; and the conceded and well-understood powers of the government were found amply sufficient to enable it to perform the great functions for which it was instituted. During a great portion of the time the country was blessed with a degree of prosperity and happiness without a parallel in the world. At the close of Mr. Madison's administration, a new bank was incorporated, and received his reluctant assent. It would be shutting our eyes to the truth to deny, or to attempt to conceal the fact, that *that* assent, coming from the quarter that it did, has *had* a most powerful and far from salutary influence on the subsequent course of the government. Its author had himself, on a former occasion, demonstrated the want of power in the federal government to incorporate a bank, and his assent was now placed on the express ground that the recognition of the authority of the government in relation to the old bank by the state governments, and the courts, as well as the people, had precluded the question of constitutionality. Thus the power in question must stand as a successful interpolation upon the text of the constitution. This *great* precursor was again followed by other attempts, but of a restricted and qualified character, to extend the same principle to other topics of legislation. They were, however, promptly defeated by Mr. Madison, who, upon all points save the bank of the United States, preserved inviolate the great principles upon which the revolution of 1800 was founded, and of which his own report upon the Alien and Sedition Laws was the exposition. For his departure, in that particular, (if a departure it was,) his reasons have been seen. It is not at this time my official duty to pass upon their sufficiency; and I am wholly unwilling to volunteer a denunciation of any opinion, deliberately formed, and upon high responsibility, by one of the most, if not the most accomplished statesman that our country has produced. However individuals might differ as to the correctness of the conclusion, all mankind must acquiesce in

the purity of the motives which led to its adoption. The political condition of the country at the close of the late war, in reference to old party distinction, speculations as to the future, and the aspirations of individual ambition, accompanied, in many cases, by a sincere desire to promote the public good, produced occasional attempts during the administration that followed to revive, in a form less exceptionable, the doctrines which had already been so emphatically condemned by the people. They were, however, in a great degree, restrained, and kept down by the resistance of the remnant of the faithful, and the qualified opposition of Mr. Monroe.

But if these attempts to revive the condemned heresies of former times, were not of themselves successful, they served the purpose of giving countenance to the pretensions on the part of men now in power, which out-Herod Herod. The opening scenes of the present administration have not only been the subjects of intense interest in their day, but will mark an interesting era in our future history. They will stand as a beacon to succeeding administrations, warning them of the point beyond which the people will never tolerate encroachment upon the great charter of their liberties. The present executive, in his exposition of the constitutional powers of this government, has gone far beyond the utmost latitude of construction heretofore claimed. As if to give point to his extravagant pretensions—to demonstrate that the result of the last election was not only the restoration of the men of 1798, but of the principles of that day, we have seen a great portion of the obnoxious doctrine then contended for, again broadly advanced in the assumption that it was within the “constitutional competency” of the executive to have sent Ministers to the Congress of Panama, without the assent of the senate: and, sir, to give a high finish to the pic-

ture, it is now strenuously contended, from a quarter in amity with the executive, that the control of the rights and privileges of the senators on this floor, and their constituents, in a most essential particular, is a power inherent in the office of the Vice President of the United States. I have, sir, been brought up in opposition to that school of politics from which such principles are legitimate emanations. From my first acquaintance with public affairs to the present day, I have regarded it as a sacred duty to resist them; and I consider myself, on this occasion, as in the discharge of that duty. The grave matters of which I have spoken, with much more of what I might have spoken as daily passing before our eyes, are, as has been before observed, identical in principle with those which were so emphatically adjudged against by the people in 1800. They are presented in a different and far more dangerous form; but they are, nevertheless, the same. The spirit of encroachment has, it is true, become more wary, but it is not a bit more honest. Heretofore the system was coercion; now it is seduction. Heretofore unconstitutional powers were exercised to force submission, now they are assumed to purchase golden opinions from the people with their own means. It is a great mistake, sir, to attribute the radical change in government, effected contemporaneously with the election of Mr. Jefferson, either to excess of taxation, or practical oppression under the Alien and Sedition laws. Those doubtless produced great and just excitement: but it did not belong to their nature to produce such lasting consequences. Acts of individual oppression had been committed before, and have, in different degrees, been committed since. But, after having caused more or less of public excitement at the time, they have passed away with the occasion that produced them. Such is human nature now—such has it been in all ages of

the world. The acts I have alluded to, highly exceptionable as they undoubtedly were, could never have produced an unyielding exclusion from the confidence of a majority of the people, for more than a quarter of a century, of large masses of men distinguished for talent and private worth. No, sir, the cause of that great and glorious struggle lies deeper—much deeper. It proceeded, not from the consequences of those acts, but from an opposition to the principle upon which they were founded—that principle was an alarming extension of the constructive powers of this government—it arose, as I have before said, from a settled conviction in the minds of the people, that a deliberate plan had been formed by the men then in power, to change the government, from its true republican form, to one, if not monarchical, at least too much inclined to that direction. It was the apprehension that they were about to be despoiled of the promised fruits of the revolution, that aroused and called into vigorous action that same great spirit by which the Revolution itself was accomplished. It is to that cause only that results unknown to the politics of any other country are to be attributed. The cause was at least adequate, if all the consequences have not been permanent. And what is the true character of the times upon which, in the course of events, and the providence of God, we have fallen? Most unpropitious, truly.

If the views in relation to the powers of this government, avowed by the present executive, and which lie at the foundation of the present administration, are the true doctrines of the constitution, then was the great political revolution of 1800 founded in gross error, if not palpable fraud upon the people. Disguise the matter as you will, “to this complexion must we come at last.” It is most manifest, that whatever effect the events of 1797—8—9 and 1800 had had upon the federal men

of that day, their consequences upon the principle that then prevailed, have not been as effectual as was hoped, and for a season believed.

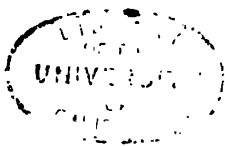
"We have scotched the snake, not killed it;  
She'll close and be herself again."

But I trust the prediction will not be verified. She'll not close again. The people will prevent it. He must indeed be a miserable judge of public sentiment, who cannot see, in its daily indications, that the same spirit which once before rescued the constitution from the hands of its enemies, is at this moment fully roused. The excesses of the last three years have produced in this country changes of public opinion, wholly without precedent. The time is not far distant, when the interpolations which have been attempted upon the constitution, with the wretched sophisms by which they are supported, will be subjects of severe reprehension; nay, of derision with the people, and when a great portion of the talents that have been employed in weaving the net, will need all its own ingenuity to escape its meshes. I hope I have not been understood as supposing that all, who have heretofore been ranked among the supporters of the high-toned doctrines I have condemned, must of consequence occupy the same station now. By no means. I should be ashamed of myself to be found the author of sentiments so contracted and illiberal. I know too well that, although, to a certain extent, names are things, they are not always the unerring evidence of the things they signify. The full experiment in peace and in war which we have now had of the respective operations and efficiency of the federal and state governments, ought to satisfy every dispassionate inquirer after truth of the fallacy of opinions once so extensively entertained. Those who thought so ought to abandon them, and all who are wise enough to be honest.

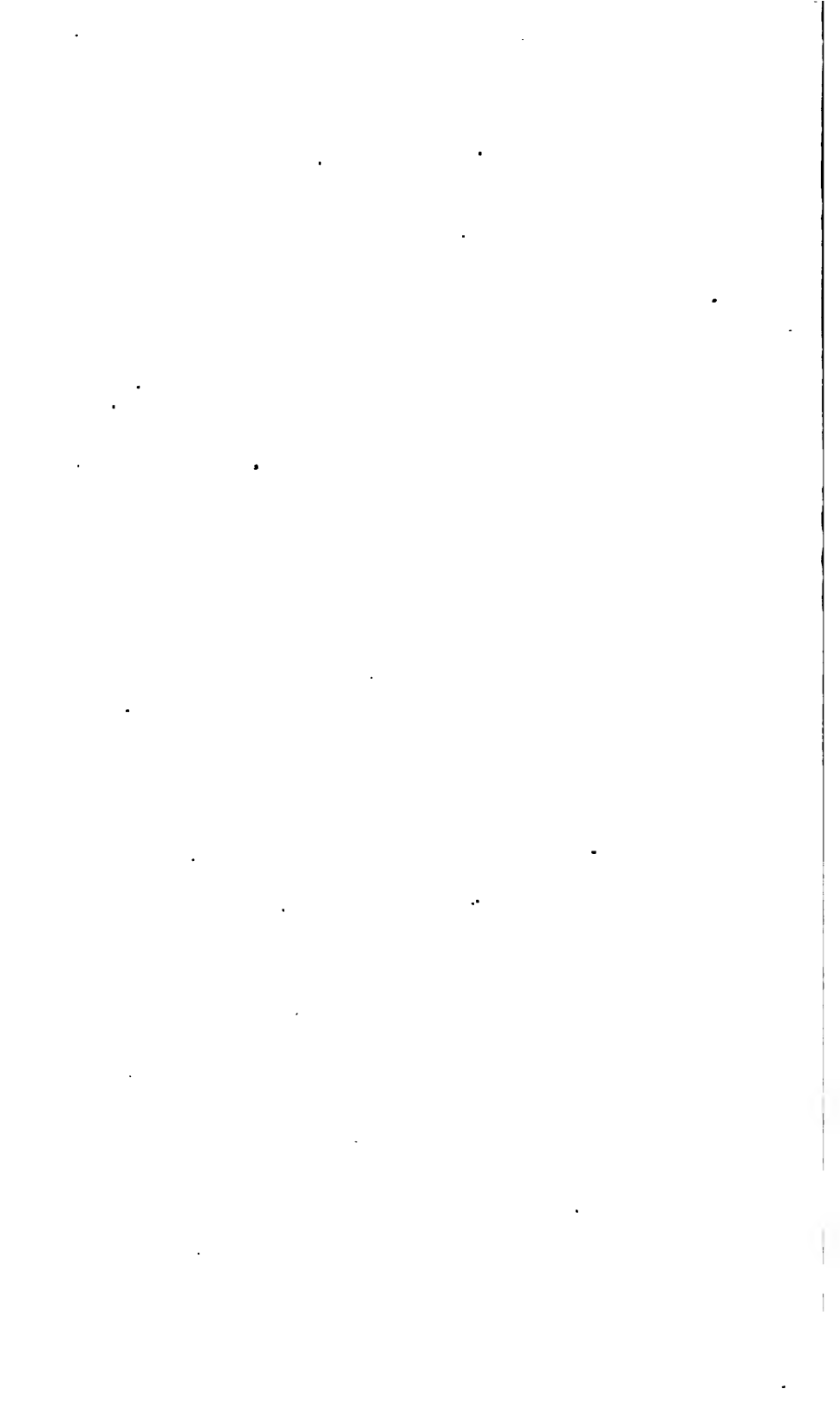
will do so. It is of itself immaterial by what political appellation men have heretofore been called. The question is—what are honestly their present sentiments upon those great points, which have, from the beginning, divided the American people, and will I fear, continue to do so to the end?

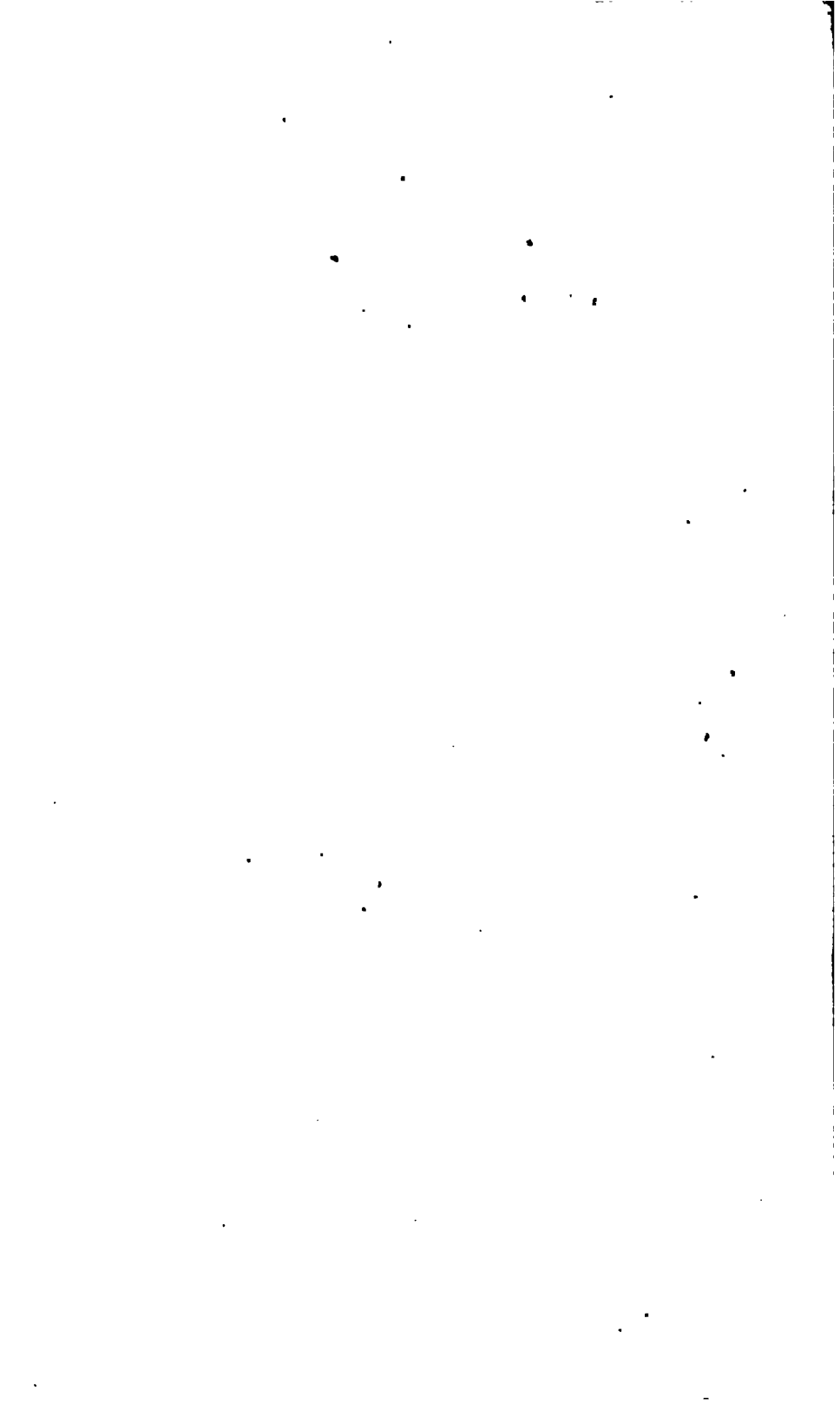
Contrary to my first impression, I will vote in favor of the whole amendment proposed by the senator from Connecticut. I will do so, because it will be the most effectual manner in which I can assist in putting down what, with all respect for the opinions of my fellow senators, I cannot but regard as a monstrous construction of the constitution. The amendment proposes an appeal from the decision of the Vice President to the senate. If I believed that the Vice President possessed the power in question, by virtue of his office, I could not vote for so great an encroachment upon his constitutional right as to subject their exercise to a supervision not provided for by the constitution. If, therefore, the amendments are adopted, I hope we shall hear no more of an inherent right, which you, sir, have, much to your credit, refused to usurp, and which we, as I cannot but think to our discredit, are attempting to force upon you, *volens volens*.

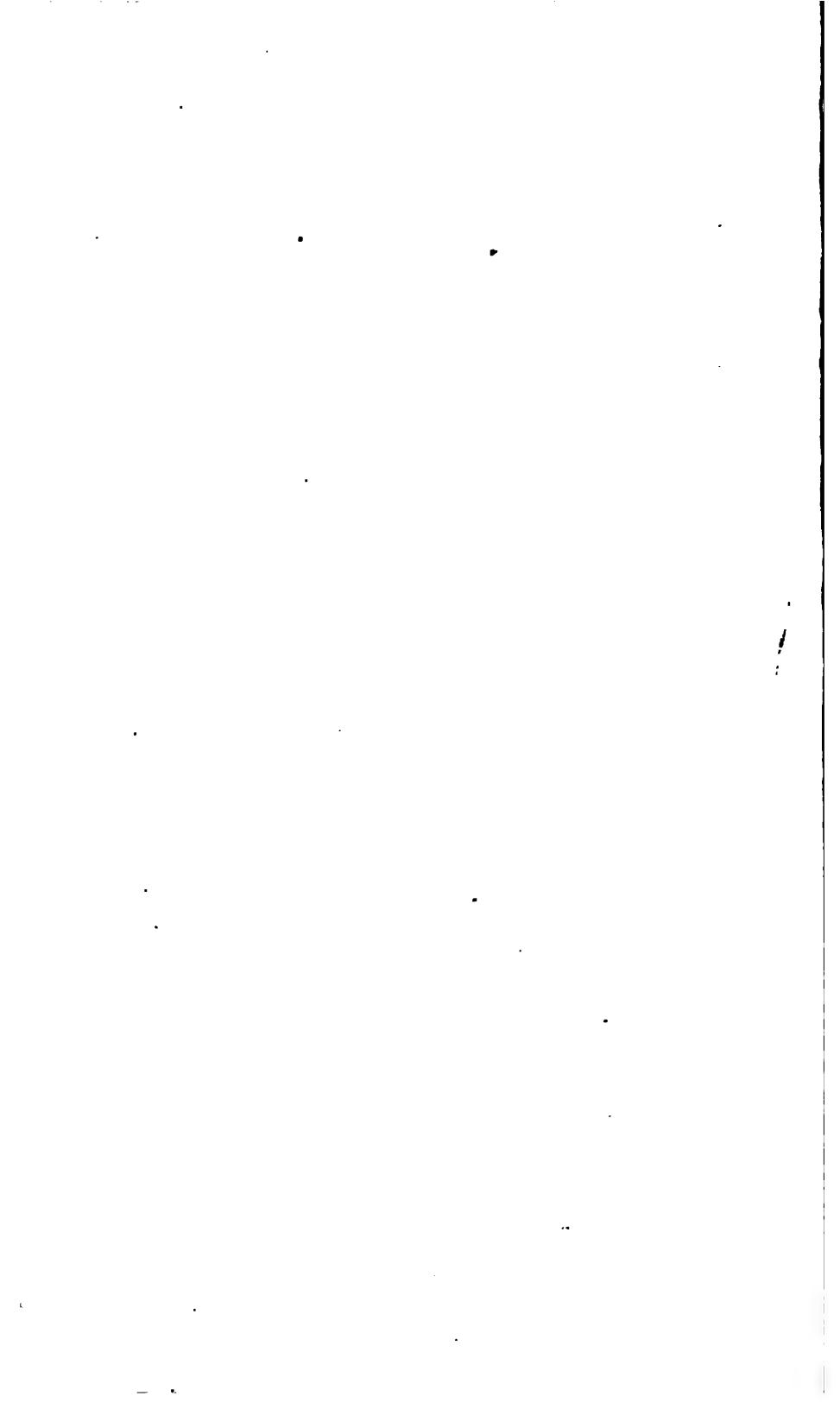
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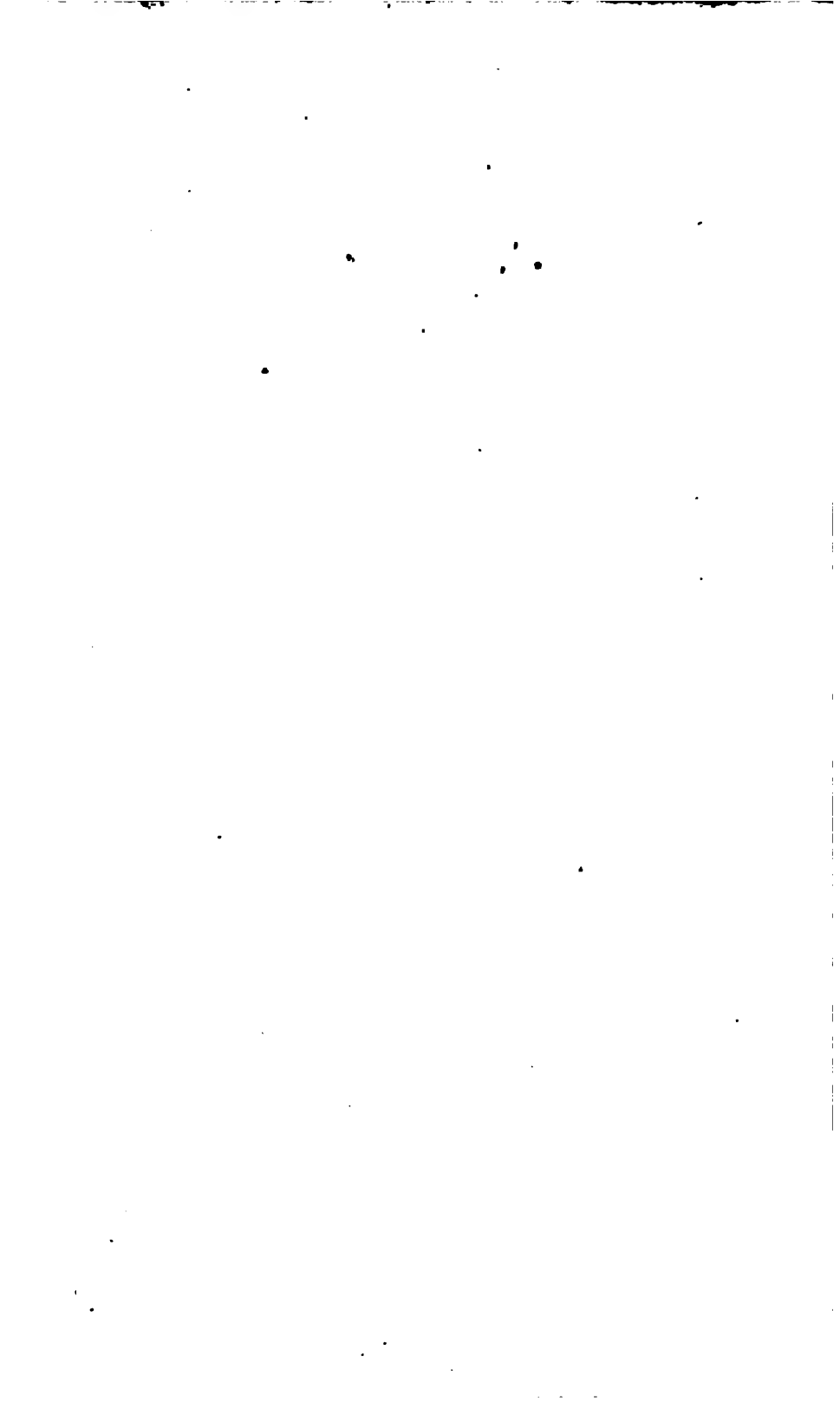


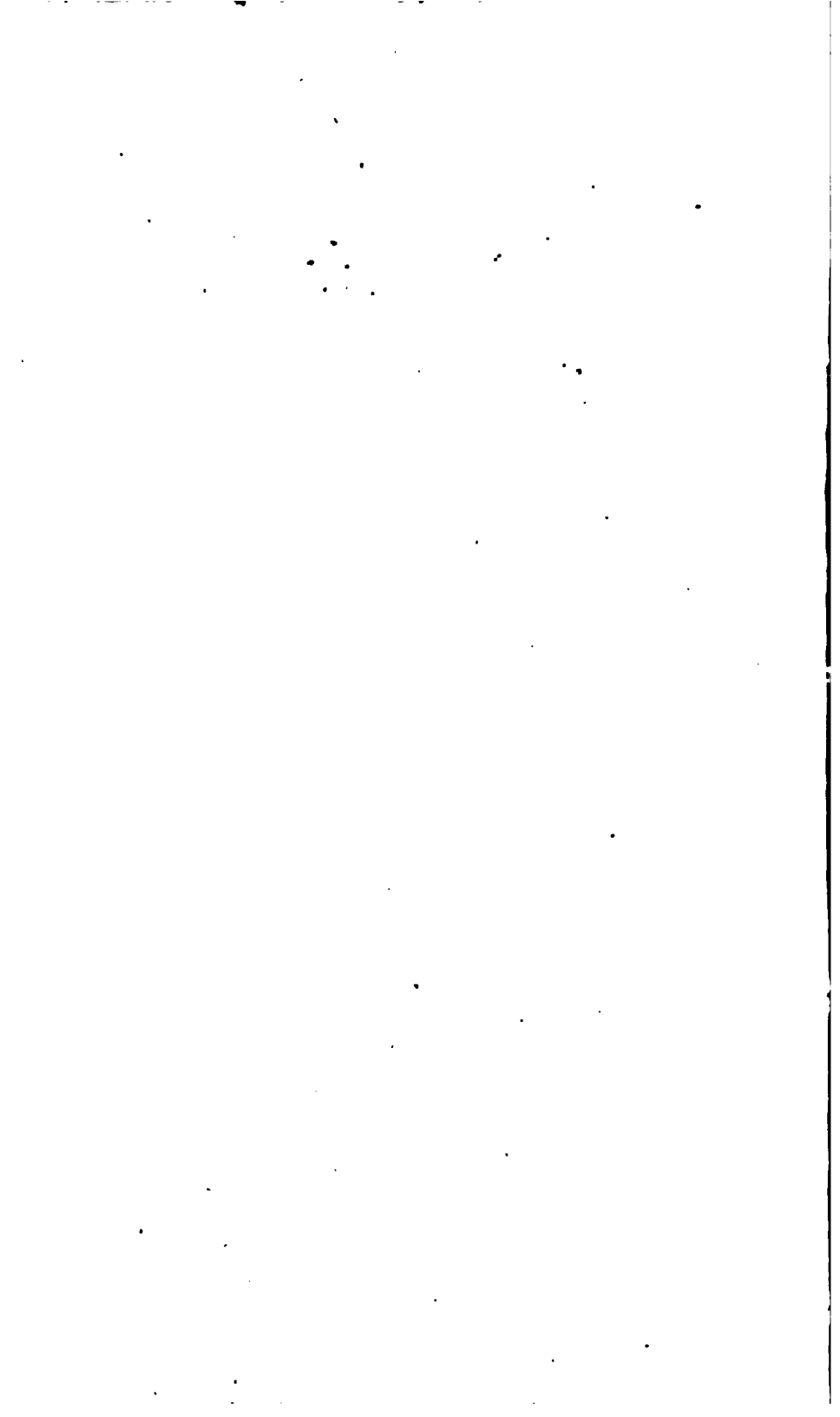


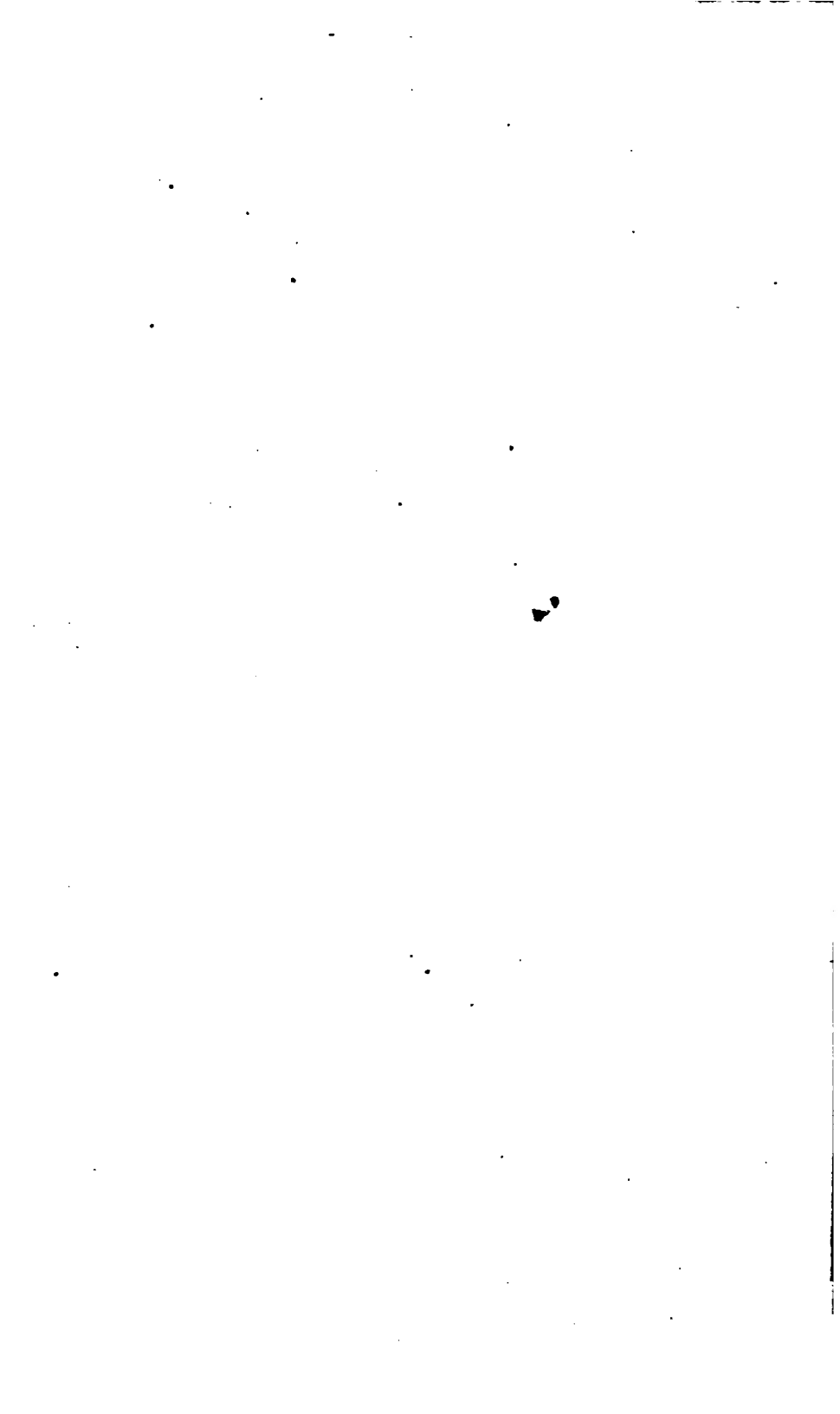












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APR 19 1982 JUL 03 2002

RET'D OCT 20 1981

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